

JOURNAL
OF
THE SENATE,
OF THE
STATE OF ALABAMA:

BEGUN AND HELD AT THE TOWN OF TUSKALOOSA,
ON THE THIRD MONDAY IN NOVEMBER,
1827;

BEING THE NINTH ANNUAL SESSION OF THE
GENERAL ASSEMBLY OF
SAID STATE.

TUSKALOOSA:
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1828.

JOURNAL OF THE SENATE.

On the nineteenth day of November, in the year of our Lord one thousand eight hundred and twenty-seven, being the day fixed by law for the meeting of the General Assembly of the State of Alabama, at the Town of Tuscaloosa, the following members of the Senate appeared and took their seats, to wit:

From the Senatorial District composed of the counties }
of Mobile, Baldwin and Washington—
Pike, Covington and Henry—William Irwin,
Monroe and Wilcox—
Clark and Marengo—
Greene—Zachariah Merriwether,
Montgomery—James Abercrombie,
Dallas—Thomas Casey,
Bibb and Perry—Dunklin Sullivan,
Shelby and Autauga—
Blount and St. Clair—John Ashe,
Jefferson—John Brown,
Tuscaloosa—L. ven-Powell,
Pickens, Fayette, Marion and Walker—
Morgan—Thomas D. Crabb,
Franklin—Theophilus Skinner,
Lawrence—
Lauderdale—James Jackson,
Limestone—Nicholas Davis,
Madison—
Jackson—Robert M'Camy,
Conecuh and Butler—William Jones.

On motion of Mr. Powell, Mr. Casey was called to the chair and Francis S. Lyon appointed Secretary of the Senate *pro tempore*.

Joseph B. Earle a Senator from the District composed of the Counties of Clark and Marengo elected to supply the vacancy occasioned by the resignation of George S. Gaines, David Hubbard a Senator from the County of Lawrence, elected to supply the vacancy occasioned by the death of Mathew Clay; and James Moore a Senator from the District composed of the Counties of Pickens, Fayette, Marion and Walker, appeared, produced their credentials, were qualified and took their seats—

On motion of Mr. Powell, the Senate then proceeded to the election of a President, and the election being conducted according to the mode prescribed by the Constitution, NICHOLAS DAVIS, of Limestone, was unanimously elected: Whereupon Mr. Davis, being conducted to the President's seat by a committee appointed for that purpose made his acknowledgements to the Senate, and entered upon the discharge of the duties of his office.

The Senate then, on motion of Mr. Crabb, proceeded to the election of a Secretary, and the election being conducted *viva voce*, it appeared that Francis S. Lyon, was duly elected, who having been qualified, entered on the discharge of his duties.

The Senate then proceeded to the election of an assistant Secretary, and the election being constitutionally conducted it appeared that George W. Crabb was duly elected.

James A. Bates was then elected door-keeper of the Senate.

On motion of Mr. Casey, *Resolved*, That the Secretary inform the House of Representatives, that the Senate have assembled and elected the Hon. Nicholas Davis, of Limestone their President, F. S. Lyon Secretary, George W. Crabb, assistant Secretary, and James A. Bates door-keeper, and are ready to proceed to business.

And then the Senate adjourned till tomorrow morning at 10 o'clock.
Tuesday, November 20th, 1827.

The Senate met pursuant to adjournment.

A message was received from the House Representatives by Mr. Tunstall informing the Senate that the Representative branch of the Legislature had convened and elected the Hon. Samuel W. Oliver their Speaker, Thomas B. Tunstall, principal clerk; James Brown, door-keeper; Aron Ready, assist't clerk; Wm. B. McClellan, engrossing clerk; and were ready to proceed to business.

On motion of Mr. Crabb, *Resolved*, That a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of House of Representatives to wait on the Governor and inform him that the two Houses of the General Assembly are organized and ready to receive any communication he may think proper to make: Whereupon Messrs. Crabb and Casey were appointed the committee on the part of the Senate.

Ordered, that the House of Representatives be informed thereof.

On motion of Mr. Powell, *Resolved*, That the following standing committees be appointed.

- A committee of propositions and grievances;*
- A joint committee on enrolled Bills;*
- A judiciary committee;*
- A committee on privileges and elections;*
- A committee on Inland Navigation;*
- A committee on Roads, Bridges and Ferries;*
- A committee on county boundaries;*
- A committee on accounts and claims;*
- A committee on schools and colleges and school and college lands;*
- A committee on the State Bank;*
- A Military committee;—and*
- A committee on Divorce and Alimony;*

Mr. Sullivan offered the following Resolution: *Resolved*, That a special committee be appointed to draw resolutions to instruct our Senators and request our Representatives in the Congress of the United States to use their best endeavors to procrastinate the sales of the public Lands in the Tuscaloosa and Cahawba Districts now advertised to be sold in February next, till the expiration of the ensuing year.

Ordered, that the resolution lie on the table till wednesday next.

Mr. Casey offered the following Resolution: *Resolved*, That a select committee be appointed on the apportionment and that the census be referred to said committee which was adopted: Whereupon Messrs. Casey, Jackson, Powell, Sullivan, and Hubbard, were appointed said committee.

Mr. President laid before the Senate a communication in writing signed by George F. Salle, and addressed to the President of the Senate, complaining of certain official acts of the Hon. Abner S. Lipscomb, Judge of

the first Judicial Circuit, and demanding of the Senate an investigation of the conduct of Judge Lipscomb; which was read.

On motion of Mr. Jackson ordered, that the communication from Mr. Salle, lie on the table, till Monday next.

Mr. Jackson presented the petition of William W. Garrard clerk of the County Court of Lauderdale County praying to be exempted from the operation of a law declaring the office of a clerk vacated, by four months absence of the incumbent; which was read and referred to the Judiciary committee.

Mr. Jackson also presented the petition of sundry citizens of Florence praying an amendment of the act incorporating the Town of Florence, which was read and referred to a special committee consisting of Messrs. Jackson, Hubbard and Skinner, to consider and report thereon.

Mr. Jackson also presented the petition of Henry Donahoe, Mahala Farrar and others, praying the passage of a law authorising the emancipation of a negro woman named Patience, which was read and referred to special committee consisting of Messrs. Jackson, Hubbard and Moore to consider and report thereon.

Mr. Crabb from the joint committee appointed to wait on the Governor, and inform him of the organization of the two Houses and of their readiness to receive any communication he might think proper to make, reported, that the committee had performed the duty assigned them and received for answer from the Governor, that he would make a communication in writing to the two Houses this day at the hour of 11 o'clock.

A communication in writing was then received from the Governor by James I. Thornton, Esq. Secretary of State; which was read and is as follows:—

EXECUTIVE DEPARTMENT.

TUSKALOOGA, Nov. 20th, 1867.

FELLOW CITIZENS:—It is not idle ceremony, or an expression of mere formal usage, to congratulate you on your arrival at the theatre of your public labors. Should such an assemblage be regarded without solemn and patriotic emotions, it would afford evidence that the blessings of the government which we enjoy were but imperfectly apprehended, and that there had been but little reflection, on the numerous and essential interests, which are entrusted to the management of the Representatives of a Free People. Filling a co-ordinate branch of the same high and responsible service, and pursuing alike the dictates of sensibility and duty, I tender to you my sincere and hearty congratulations. The diversified concerns of civil society, extending into numerous ramifications and dependencies, some needing the cherishing hand of sound policy, and others, requiring to be brought forth, and sustained to vigorous maturity, call for the exercise of more than common powers, and need the efforts of the most assiduous diligence. With these labors in view, it is most reasonable as well as most natural, to look up with humility, to the Great Source of light and wisdom for the necessary aid. From thence may be obtained the knowledge to devise, and the Providence to conduct to an happy issue. And here let us cherish the feelings of a duty no less incumbent than pleasing, and join our devout aspirations of gratitude, to the Great Author of all Good, for past favors for present circumstances, and for future prospects.

It may long continue doubtful to what degree of perfection the affairs of human society may possibly attain, and upon this subject we can have

no satisfactory data but those which result from experience. It is however, very clearly our duty, to provide by all possible means for the happiness of our own community, to receive and to communicate to others, a portion of light on the science of free government. Man is by nature destined for action and for enjoyment—He has powers to employ, and passions to restrain. Progression enters into the constitution of his nature, and is essential to his happiness. The principles of a good and wise policy would therefore seem to be these; that his energies should be properly directed to wise and useful objects; that the injurious impulses of passion should be restrained by moral dissuasives, and more positive sanctions, and that continual prospects might be opened to him, of greater progress in virtue, respectability and happiness.—Although much of all this must be done by every individual for himself, yet the influence of government, upon the pursuits and moral energy of men is great, and undeniable. Government is the great law, if I may so speak, to which all look up with reverence and submission. It regulates the great outlines of our course, and frequently descends into the minutia of our character. The object of these remarks, necessarily brief and imperfect, is simply this; that whatever concerns man, in the entire range of his pursuits, and the whole circle of his enjoyments, whatever properly restrains him or beneficially excites him, is the legitimate subject of a liberal and enlightened legislation. Legislation should not be confined alone to the repressing of crimes, the adjustment of rights, the security of property from the violence and injustice of selfish feelings, and the regulation of things necessary for the establishment of government itself, but should take in also the whole scope of human interests; and should be a pillar of cloud and of fire to conduct to the maximum of individual and social happiness. In despotic governments less than this will necessarily be sought, because the attainment of the whole would subvert the principles upon which they are founded; but in free institutions, this universal concern, composes their highest honor and recommendation.

In the existing condition of our own government, we have to regret the occasional commission of insulated outrage, which the administration of the laws will punish and restrain; but are consoled by many unerring indications that our civil and moral condition is greatly improving. The laws are obeyed and respected; a very large majority of the population give their weight and influence to support them. In common with the other happy states to which we are united, we have no popular commotions, nor the distraction of conflicting interests and designs, as the law which governs the whole has a sanction equal to that of the universal will.

But in the midst of these blessings, it is believed, that there is, from various causes, and that there is impending, an unusual pressure of pecuniary distress. Coming from the bosom of the people, and charged with their wants and their wishes, you will have more certain and extensive information on this subject, than this Department has had an opportunity to obtain. The present remarks, however, will proceed upon the supposition, that there is, and will be, pecuniary difficulty of a temporary duration; and it will be a source of much happiness, if the impression should prove to be erroneous. Human society, in all ages of the world, and in all countries, has been subjected to unexpected reverses and difficulties, which the ordinary exercise of prudence was not able to avert. In addition to the common mutability of human things, there is something in the nature, incidents, or use of money, as being the medium through which

all the necessary exchanges of society are effected, that independently of the real condition of any community, frequently occasions peculiar embarrassment. It is one of the most humane and endearing operations of Government, to afford remedy for these evils whenever they unfortunately arise. In our own community they threaten us, not from luxury and extravagance long and gradually induced, not from slothfulness in business, or remissness in devising the ordinary means by which competence, comfort, and wealth are secured. But they have originated in general, from the reverse of all these—from the excess of enterprise and industry, balked and borne down by unforeseen contingencies, and disappointed, if not misguided calculations. Those who were led by their ardent devotion to the interest of their families, to anticipate their future labors, in order to obtain more ample means for the present prosecution of that sacred object, find themselves subject to ruin, or to great loss, by events which no ordinary prudence could foresee, and which did not enter into calculations which were deemed temperate and judicious.—The most arduous labor, aided by the most exact and rigid economy has not proved sufficient to afford a remedy. A fond, a lingering hope of better times, has only rendered the crisis more difficult. The case would not seem to be much variant from the following simple statement; a laborious, enterprising, economical, and judicious community, have become embarrassed, by the sudden and continued fall in the price of the staple productions of the country. The times which immediately preceded, were prosperous in the extreme. They allured the better passions to aim at means more speedily to acquire competence and comfort for our families. This illusive, but endearing phantom was cherished in the imagination, and assumed to itself the high attributes of sober reason, and accurate judgment. The anxious enquiry remains, what remedy can be applied to the present state of things? If, by any safe means, the present pressure might be mitigated, the extraordinary industry and resources of the country would speedily redeem all past errors. If time could be given, much distress might be alleviated, and many valuable citizens saved, not, perhaps, from loss or sacrifice, but from absolute ruin. If any of the causes of distress be within the control of the Public Authorities, they should be diligently removed. Our circulating medium is deficient, and the annual drain from the purchase of Public Land, will cause it to continue so for some time to come. The money goes into the public coffers, and very slowly returns. It operates as if the balance of trade were against us, to its entire amount. The country does not become poorer by the purchase of Public Land, but the greater the quantity of land which is purchased, the more deficient the circulating medium becomes, and the more distressed the country therefore appears. We have not money left sufficient for our home, or internal trade. It is evident, that while we continue to be purchasers of land from the United States, the quantity of circulating medium ought to be greater than would be necessary under other circumstances; that is, if we purchase land one from another. When it is found that money is scarce, or, in other words, that there is not a sufficient quantity for the transactions of the country, on a fair and equitable scale, and that therefore it has acquired an adventitious value, the fears of some are alarmed; the cupidity of others excited—the consternation spreads—and in a short time, a small sum of it is sufficient to purchase property far exceeding its permanent value. The deficiency of our circulation is already felt, and may be much more so, if a remedy is not provided. And here the difficult

question naturally arises, what remedy shall be resorted to? The increase of the capital of the State Bank, if found convenient and practicable, would seem to be the most obvious and effectual remedy, and that best suited to the present circumstances of the community. The increase of the circulating medium thus occasioned, would pass into the hands of the debtor part of the population, and enable them to keep up their property at something like a fair price, property pledged for the payment of their debts, or pay the creditor off without ultimate sale or sacrifice. It would prove, in many cases, beneficial to the creditors also. When the property of the debtor is sold at a very inadequate price, a few of the most pressing creditors are paid, and the means of paying the rest consumed, when there was enough to pay all at a fair price, and perhaps a residuum left for the debtor. Should the General Assembly find occasion seriously to contemplate this subject, their wisdom will suggest the safest and most adequate expedients. The people might thus be accommodated, requiring of them the most undoubted security. It is not supposed that a large and dangerous sum would be necessary, to afford a very extensive and essential relief.—The pressing debts of individuals are probably not so great, but they compose a sum unknown. The impression gets abroad that there is a large amount of money which must be raised in the country; the capitalist holds back and increases the apprehension of the scarcity of money; the debtor becomes alarmed, and submits to ruinous sacrifices, or is forced to make them under the Sheriff's hammer.—The ruin of the debtor involves nothing more immoral or corrupt than the usual operations of self interest. The man who would cheerfully become his security, to save him from ruin, or even great loss, would perhaps be content to buy his property at a very inadequate price, when offered at public Auction. It satisfies the sensibility of ordinary friendship to be the last bidder, and to give more than others were inclined to do. Any accommodation which could be safely extended, would not, and perhaps ought not to prevent the sale of much property, and some sacrifice on the sale, but it would make the sale better, and the sacrifice less. It would operate as so much direct competition to save the debtor from ruin. The dispensation of Divine Providence, which has lessened the annual means of the State, but to which a cheerful and humble submission should be given, renders it the more necessary to interpose relief, if relief indeed can be afforded. The subject is submitted to your wise and patriotic consideration.

In May last the Tombeckbe Bank failed to make payment of its notes in Specie. This was attended by a speedy depreciation of its paper. By this unfortunate failure, the circulating currency of the State, at all times insufficient, was greatly reduced. The tax collectors received the earliest notification. Many persons who had prepared money in those Bills, in order to avail themselves of the benefit of the Act of Congress in regard to the public lands, were ultimately disappointed in their views, as the money would not be received at the land offices, after the failure to pay specie. This forms a just and necessary ground, upon which an application should be made to the Congress of the United States for a revival of the Act, or a passage of one with similar provisions. In pursuance of the Act of the General Assembly of this State passed in the year 1821, I directed the solicitor of the first judicial circuit to institute proceedings in the nature of a *Quo Warranto* against the Tombeckbe Bank, and associated with him assistant council. The recent session of the court of Washington county has prevented a report from being yet received. I have the honor to for-

ward herewith a statement of the affairs of the Bank, which was forwarded to this Department by order of the President and Board of Directors. Any expedient which the wisdom of the General Assembly may devise to secure the rights of those who hold the paper of the Bank, will receive a most ready co-operation.

I beg leave to recommend such revision of the criminal law, as will, more effectually ensure the proper application of it. The principal inconvenience seems to result from the manner in which the jury to try criminals is obtained. The employment of talismen would also seem to be too frequent in civil cases. The purity, as well as the sound intelligence of the jury, is obviously essential, and the greatest caution should be used to ensure these necessary qualifications. Any error or defect here, will tend to affect justice in one of its principal sources. I would also recommend that some proper mode may be devised for the trial of slaves with the least necessary delay. This may be done, it is presumed, in perfect consistence with the rights and justice, which are secured to them under the humanity of the laws. There may be perhaps a saving of expence to the community, and of loss to the owner, without any disadvantage to the accused.

The administration of justice both civil and criminal, in the purest and ablest manner is essential to the best interests of the country. Our growing population, and consequent increase of business, devolve heavy duties on those who are entrusted to administer it. The Judges of the circuit courts are exclusively engaged in the duties of their offices. The expence attending their itineration in their several circuits is very considerable, leaving a reduced amount of nett compensation. I beg leave to recommend that their several salaries be raised to two thousand dollars per annum. The solicitors also do not appear to receive adequate compensation. They claim justice on the part of the State, against every class of public offenders. They are excluded by their office from a very lucrative branch of their profession. In a single criminal case, fees are not unfrequently obtained by other lawyers, which exceed the amount of their annual compensation. The fees which they are allowed by law for the conviction of criminals, are in general badly paid. Those who trespass upon the good order of society, are seldom provident in their own affairs, and want ability, as well as inclination to pay. These officers should have high talents to gain respect, and elevation of character to inspire awe. I beg leave to recommend, that their salary be increased to five hundred dollars, or that the fees allowed them on convictions, which cannot be recovered from the parties, be paid out of some public fund, provided for that purpose. The design is, some suitable way, to increase their compensation, and should the General Assembly be inclined to do so, they will judge of the best means.

Connected with these is another subject which I deem of great importance. We have no adequate and permanent report of Cases adjudicated in the Supreme Court of the State.—— The decisions of the Supreme Court become the law of the land, and are most important to be known. They include, as a matter of course, those doubtful cases upon which men may be expected to differ in opinion. They involve the more intricate arrangements of business, and the more doubtful principles of right and obligation. Hence they become, if possible, more necessary to be known than any other law. But as it is now, they can only be known to professional men, and very imperfectly, or with much difficulty, even to them.

I beg leave, therefore, to recommend the creation of the office of a State Reporter of legal cases adjudicated in the last resort. To this office might be connected the periodical Digest of the laws, and perhaps other duties which might there be safely committed, will from time to time present themselves. In order to command sufficient talents, there should be attached to the office a suitable compensation, which the sale of the reports, and other services, will in part repay.

In any communication like the present, it would be highly improper to omit the subject of Education. In our recent establishment, much must be left for the present, to the wisdom and good sense of the individuals composing the community; still the public authorities ought to be engaged in devising and maturing the plans which will hereafter be carried into effect: The whole body of the people must be educated. This is alike the dictate of humanity, morals, and sound policy. For this purpose, no doubt different systems will be adopted, accommodated to the difference of local circumstances. In dense settlements, schools may be obtained for all, and afford them the advantage of going from their homes. In other places, schools must be provided upon the most improved plans, and the students boarded at the places of their instruction. We have many examples before us: and an opportunity of ascertaining their respective results. It is incumbent on us also, to devise new systems to obviate, if possible the imperfection of those in actual operation. There should be great freedom of thought, and enlargement of design, in the accomplishment of beneficial purposes. I do not believe that the present situation of the country is favorable to the immediate adoption of general systems. Individuals must, perhaps, be left for a short time, to act without any very efficient public aid. But every indication ought to be given, that at the shortest possible period, this aid will be afforded with all practicable effect. The University must be considered of primary importance in any general system. It will furnish instructors, and disseminate the love of literature. From various causes, the location of this Institution has been delayed. It is not doubted that this delay will contribute to its ultimate effect and prosperity. A much longer procrastination however would be unnecessary and injurious. The principal difficulty now seems to be, to select the most favorable position. It must be confessed, that much of the prosperity of the Institution, will depend on a judicious location of it. Should the general Assembly from any cause, postpone the location beyond the period of their present session, I beg leave to recommend, that suitable persons be appointed to examine and report the best situations. Such an appointment may afford valuable information, derived, as it must be, from actual inspection, with reference to a special object, and given under the highest sanctions of honor and patriotism. One Commissioner from each Judicial Circuit, would, perhaps, be a sufficient number. The examination should be made in conjunction, but each individual commissioner report his own separate views.

I cannot but again bring to your view the interests of agriculture, and recommend that they be brought, in every practicable degree within the range of your public deliberations. I have the honor to transmit you, a letter from Gen. Lafayette, and a letter from a Swiss gentleman who wishes to settle, with a small colony, in some part of the Southern States. To these letters immediate attention was given. Some such opportunity as this might be improved, and means perhaps might be devised, to obtain skillful cultivators of staples almost unknown to us, or at least very imperfectly cultivated. It must contribute to the comfort, independence

and wealth of our citizens to multiply productions, and raise their own supplies as much as possible.

Great attention to internal improvement marks the genius and progress of the present age. Canals and rail roads have become the objects of very general interest. It will be worthy of enquiry and observation whether this state does not afford peculiar facilities for the last mentioned kind of improvement. The vallies which traverse the elevated parts of the country, in the direction of the sea coast from the Tennessee River, and the valley of the Tennessee river itself, may be found to afford very great convenience and facility. Rail Roads are supposed not to yield the palm of utility even to artificial water communication. They are comparatively cheap, safe and expeditious.—We shall have it in our power, aided by the light derived from the experience of others, to select in every case the kind of improvement which may seem most advisable. Means which the wisdom of the General Assembly will suggest, might be usefully employed to obtain information on these interesting subjects.

The Solicitor of the First Judicial Circuit, instituted proceedings against the St. Stephens' Steam Boat Company, to determine the question of their Banking privileges. The case remains undecided in the Supreme Court of the State. At the next session, in all probability the question will be determined.

The boundary line between this State and the State of Georgia, remains unadjusted. Some more effectual measures for the settlement of the controversy, and the establishment of the line, would no doubt be desirable to both states; and the sooner it is done the less difficulty will probably attend it.

I received a communication from the Ordnance Department of the United States, that one thousand one hundred and thirteen muskets or arms of an equal estimated value, were due to this State, as the quota of the public arms for the years 1823, 4, 5, and 6. and that they were ready for delivery according to order. I thought proper to direct, that two six pound pieces of artillery should be furnished, one hundred and twenty artillery swords, one hundred and twenty rifles with accoutrements complete, five hundred cavalry sabres, and the residue, in muskets without accoutrements. The cannon were ordered to encourage the formation of artillery companies, the rifles for flank companies of that description, the sabres for the equipment of cavalry. It was thought inexpedient to order pistols for the present, as the State was entitled but to a small quantity of arms, and that they were not absolutely necessary to the discipline of cavalry. They are besides, a species of private arms very common in the country, and therefore not so necessary as the sabres, when a sufficient quantity of both could not be procured. There is a company of artillery at Claiborne. The formation of them should be encouraged at the Seat of Government, and at our principal towns — The General Assembly will direct the distribution which will be made of these arms.

The report of the Directors, and the annual examination of the affairs of the State Bank, will give to the General Assembly, and to the public, ample information in regard to that Institution. In this communication, I deem it wholly unnecessary to anticipate, in any degree, the information which will be fully obtained from these sources.

The system of protecting duties which occupied the attention of Congress at the last, and which will probably be urged upon their consideration at the present session, may well deserve your serious reflection.

is the duty of every member of the confederation, to have their full weight of counsel and advisement in all great measures of national policy. There is too much reason to believe that the proposed Tariff will prove to be highly impolitic, unequal and oppressive. It is not the intention to enter into the argument which has been so ably managed by others, but to suggest the subject to your careful and impartial consideration.

The following persons have been appointed to fill vacancies which occurred during the recess of the General Assembly: *viz:*

Benjamin Wilkinson, Judge of the County Court of Clarke County, vice Edward Kennedy, resigned; Nimrod E. Benson, Judge of the county Court of Montgomery county, vice Benajah S. Bibb resigned; Thomas Owen, Judge of the county court of Tuscaloosa county, vice Hume R. Field, resigned; John M. Coll, Judge of the county court of Pike county, vice ——— Sikes resigned; J. V. M. White, Solicitor of the 5th Judicial Circuit, vice James G. Birney resigned. James Davis, Solicitor of the 4th Judicial Circuit, vice David Hubbard resigned. John B. Hogan, Adjutant General, vice Isaac Welborne, resigned; The Judges of the county Courts of St. Clair, Fayette and Dale, have recently resigned, their commissions and no appointment has been made.

I have the honor herewith to transmit the Resolutions of several States, to be submitted to your consideration.

In the labors of the present session, the greatest possible unanimity, consistent with unbiassed thinking and free discussion, should distinguish as heretofore the Representatives of the people. In the public service, there cannot be ground upon which serious or permanent dissensions can rest, it being the end, and aim and duty of all, to promote the common interest, and strengthen the ties of the common connection which bind us together. A generous pride in the several parts which compose our civil association, will lead to acts of mutual conciliation and esteem. The bond cemented by affection will increase in strength and continue for ever. I invoke the blessing of Heaven on your public labors.

JOHN MURPHY.

Mr. Casey moved that the communication lie on the table and that one thousand copies thereof be printed for the use of the Senate, which was lost Yeas 8 Nays 8.

The yeas and nays being desired those who voted in the affirmative are Messrs. Abercrombie, Ash, Casey, Crabb, Hubbard, Irwin, Moore and Sullivan.—Those who voted in the negative are Mr. President, Brown, Earle, Jackson, Jones, McCamy, Merriwether, Powell and Skinner.

On motion of Mr. Casey ordered that the said communication lie on the table and that eight hundred copies thereof be printed for the use of the Senate and then the Senate adjourned till tomorrow morning at 10 o'clock.

Wednesday, Nov. 21th, 1827.

The Senate met pursuant to adjournment.

Mr. Hubbard presented the petition of William Furgason of Laurence county praying the Legislature to provide him compensation for the injury done to his land by reason of a public road being laid out through it; which was read and referred to the committee on propositions, and grievances to consider and report thereon.

Thomas Evans, a Senator from the district composed of the counties of Monroe, and Wilcox, elected to supply the vacancy, occasioned by the resignation of Arthur P. Bagby, appeared, produced the evidence of his election, was qualified and took his seat.

Mr. Powell offered the following resolution: *Resolved*, That there be appointed by the President of the Senate an additional standing committee to be denominated a committee on the Public Buildings; which was adopted, the Senate resumed the consideration of the Resolution offered yesterday by Mr. Sullivan upon the subject of a postponement of the sales of the public lands in the Taskaloosa and Cahawba Districts. The question being put on the adoption of the Resolution it was determined in the affirmative:—yeas 14, nays 3. The yeas and nays being desired those who voted in the affirmative are Mr. President, Ashe, Brown, Casey, Crabb, Earle, Hubbard, Irwin, Jones, M'Camy, Moore, Powell, Skinner, & Sullivan.—Those who voted in the negative are Messrs. Evans, Jackson, and Merriwether.—So the resolution was adopted, whereupon Messrs. Sullivan, Casey, & Hubbard were appointed the committee to draft the Resolution to our Senators and Representatives in Congress.

Mr. Hubbard offered the following Resolution *Resolved*, That the judiciary committee be instructed to enquire into the expediency of passing such laws as shall exclude from office, from the right of suffrage and serving as jurors persons who may hereafter be convicted of bribery, perjury, forgery, and other high crimes and misdemeanors, and that the committee be instructed to report by bill or otherwise; which was adopted.

Mr. Casey offered the following resolution *Resolved*, That the Secretary cause to be printed fifty copies of the rules heretofore adopted for the Government of the Senate, and that the said rules be adopted for its government until altered; which was agreed to. In pursuance of an order of the Senate Mr. President reported the following standing committees to wit:

A committee on propositions and grievances—to consist of Messrs. McCamy, Miller, Jones, Merriwether, and Ashe.

A joint committee on enrolled bills—to consist of Messrs. Powell, Barton, and Merriwether.

A committee on Inland Navigation—to consist of Messrs. Earle, Evans, Jackson, Crabb and Irwin.

A judiciary committee—to consist of Messrs. Barton, Hubbard, Sullivan, Jackson and Powell.

A military committee—to consist of Messrs. Crabb, Irwin, Abercrombie, Skinner, and Miller.

A committee on Roads, Bridges and Ferries—to consist of Messrs. Casey, Moore, Ashe, Jones, and Skinner.

A committee on county boundaries—to consist of Messrs. Abercrombie, Ashe, Irwin, Brown, and Shackleford.

A committee on schools and colleges and school and college lands—to consist of Messrs. Shackleford, Casey, Jackson, Barton, and Hubbard.

A committee on accounts and claims—to consist of Messrs. Brown, Powell, Evans, Merriwether, and McCamy.

A committee on divorce and alimony—to consist of Messrs. Sullivan, Moore, Merriwether, Jones, and Irwin.

A committee on the public buildings—to consist of Messrs. Hubbard, Powell, Earle, Jackson, and Crabb.

A committee on the state bank—to consist of Messrs. Jackson, Casey, Earle, Barton, and Sullivan.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Thursday, Nov. 22d, 1827.

The Senate met pursuant to adjournment.

Mr. Ashe presented the petition of Henry Box of St. Clair county praying the passage of an act to render legitimate his son, James Box, who was born out of wedlock; which was referred to the committee on the Judiciary.

Mr. Powell presented the report of the President and Directors of the Bank of the State of Alabama; which was read and is as follows:

BANK OF THE STATE OF ALABAMA.

TUSKALOOSA NOVEMBER, 21st, 1827.

The Honorable the President and members of the Senate:

Gentlemen—Pursuant to the duty enjoined on the President and Directors of this Institution by the 12 Section of an act to establish the Bank of the State of Alabama, directing 'that it shall be the duty of the President and Directors to furnish to the General Assembly within the first week of each session, statements of the amount of capital stock of said corporation and of the debts due to the same; of the monies deposited therein; of the notes in circulation; and of the cash on hand together with all other property of said Bank, both real and personal.' I now have the honor to communicate the required statement:—*to wit*.

Capital stock \$357,321, 484; Notes in circulation \$426,199; Money on deposit \$152,395, 36; Debts due the Bank, \$651,602; Property belonging to bank (at cost.) \$8387, 50; Cash on hand (including bills, of exchange and due by other Banks \$301,946, 44.

I beg leave to remark that in consequence of the failure of the Tombeckbee Bank and the consequent pressure on the community, by a withdrawal of a large portion of the circulating medium of the State, the board has been induced to grant accommodations to a greater extent than otherwise would have been done, thereby increasing the circulation account to an amount that might be considered hazardous; but when it is recollected that more than half of the amount of notes discounted is payable on the first day of January next and will be paid, principally in the notes of this Bank and by bills of exchange, it may be confidently anticipated that this Institution will then assume as favorable an aspect as its most sanguine friends and the community could desire. I would further remark that but a small part of the amount of money on deposit, is liable to be checked for by individuals; the principal sum being deposits on notes, not renewed and payable on the first day of January next, to the credit of the State Treasurer, and to the credit of the funds composing the capital stock of this Bank. I also communicate the accompanying document which unfolds in a plain and comprehensive manner the operations of this Institution for the last twelve months ending the 9th inst. All of which is respectfully submitted.

By order of the Board

(Signed) BENJ. B. FOUNTAIN, Presd't.

Ordered that the report be referred to the committee on the State Bank and that three hundred copies of the same together with the accompanying document be printed for the use of the Senate.

Mr. Powell also presented the Report of the commissioners for superintending the erection of the State Capitol, which was read and together with the accompanying documents was referred to the committee on the Public Buildings to consider and report thereon.

A message from the House of Representatives by Mr. Tunstall their clerk.

Mr. President.—The House of Representatives have adopted the following Resolution in which they desire your concurrence. *Resolved, That*

the Senate be invited to assemble in the Representative Hall on tomorrow at the hour of 11 o'clock for the purpose of opening and publishing the several returns of the election for Governor, and that the east end of the Hall be assigned for their reception.—They have also adopted the following resolution in which they ask your concurrence. *Resolved*, That a committee be appointed to act with such committee as may be appointed on the part of the Senate to examine and report whether John Davis has safely kept and returned to the officers of the Senate and House of Representatives the State property that was entrusted to him by a resolution of the last General Assembly and if the said committee find the said property was safely kept and returned shall certify the same to the comptroller, which certificate shall authorise him to draw his warrant on the Treasury in favor of said Davis for the amount allowed him by a resolution passed at the last Session of the Legislature.—They have appointed on their part Messrs. McVay of Land. Weissinger and Dennis.

Mr. Casey moved to amend the resolution from the House of Representatives inviting the Senate to assemble in their hall for the purpose of opening and publishing the several returns of the election for Governor by striking out tomorrow, and inserting to-day, which was carried.

The Resolution as amended was then concurred in, ordered that the Secretary inform the House thereof.

Ordered that the Senate concur in the resolution from the House of Representatives appointing a committee to act with a committee on the part of the Senate to enquire whether John Davis has safely kept and returned the State property committed to his charge; whereupon Messrs. Powell, and Crabb, were appointed a committee on the part of the Senate.

Ordered, That the House be informed thereof.

Mr. Hubbard introduced a bill to be entitled, an act to provide a more summary mode for the trial of assaults and batteries; which was read and ordered to a second reading tomorrow.

A message was received from the House of Representatives by Mr. Tunstall their clerk informing the Senate that the House was ready to receive them for the purpose of opening and publishing the returns of the election for Governor agreeably to a former Resolution; whereupon the members of the Senate repaired to the hall of the House of Representatives, and having taken their seats, Mr. Speaker proceeded to open and publish the returns from the several counties from which returns had been received; which having been done, Mr. Speaker declared John Murphy Esq. to have seven thousand, seven hundred and nine votes. Mr. Speaker therefore arose and announced that John Murphy Esq. was duly and constitutionally elected Governor of the State of Alabama for the ensuing two years. And then the Senate withdrew and retired to their own chamber and Mr. President resumed the chair.

On motion of Mr. Sullivan, *Resolved*, That a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives to wait on John Murphy Esq. and inform him that he has been duly elected Governor of the State of Alabama, for the ensuing two years and ascertain when it will suit the convenience of his Excellency to take the necessary oaths of office; whereupon Messrs. Sullivan, and Merriwether, were appointed a committee on the part of the Senate.

Ordered that the Secretary acquaint the House of Representatives
therewith.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Friday, Nov. 23d, 1827.

The Senate met pursuant to adjournment.

A message from the House of Reprs. by Mr. McColohan their engrossing clerk.—Mr. President the House of Representatives concur in the Resolution of your honorable body appointing a committee to wait on his Excellency John Murphy the Governor elect, and notify him of his election to the office of Governor for the ensuing two years and to ascertain from him when it will suit his convenience to take the oaths of office, and have appointed on their part Messrs. Kelly, McVay, of Land and Ross.

Mr. Casey offered the following resolution: *Resolved*, That the Judiciary committee be instructed to report a bill requiring the Circuit Judges to attend on the first day of the court, and in the event of their failing to attend and open the court on the first day of the term by 4 o'clock in the evening, that the Sheriff shall be required to adjourn the court to the next stated period.

Mr. Hubbard moved that the resolution lie on the table: which was lost.

The question was then put on the adoption of the resolution and determined in the affirmative.

Mr. Hubbard offered the following resolution: *Resolved*, That the Judiciary committee be instructed to report a bill regulating the mode by which the Governor shall exercise the prerogative of granting reprieves and pardons and remitting forfeitures; which was adopted.

Mr. Crabb offered the following resolution: *Resolved*, That with the concurrence of the House of Representatives the Senate will convene at the hour of 2 o'clock on Monday next in the Hall of the House of Representatives, for the purpose of electing a State Printer for the ensuing year, and that the House of Representatives be informed thereof; which was adopted.

Mr. Sullivan from the joint committee appointed to wait on his Excellency John Murphy, and notify him of his election to the office of Governor, and ascertain when it would suit his convenience to take the necessary oaths of office, reported that the committee had performed that duty, and received for answer from the Governor that he would be ready to take the oaths of office on Monday next at the hour of 12 o'clock.

Mr. President laid before the Senate a communication from Samuel Pickens, Esq. containing an expose of the disbursements made from the contingent fund, to whom paid, and for what services; which was read and laid on the table.

A bill to be entitled, an act to provide a more summary mode for the trial of assaults and batteries, was read the second time and reported to the committee on the Judiciary to consider, and report thereon.

On motion of Mr. Casey the Senate resolved itself into a committee of the whole on the Governor's message, Mr. Casey in the chair and after some time spent in the consideration thereof, the committee rose.—Mr. President resumed the chair and Mr. Casey reported the following Resolutions.

1. *Resolved*, That so much of the Governor's message as relates to the existing state of distress and embarrassment be referred to a special committee.

2. *Resolved*, That so much of the Governor's message as relates to the failure of the Tombekbee Bank, to pay its notes and debts, be referred to a special committee.

3. Resolved, That so much of the Governors message as relates to the instructions given by the Governor to the Solicitor of the first judicial circuit to institute proceedings in the nature of *Quo Warranto*, against the Lombard Bank be referred to the judiciary committee.

4. Resolved, That so much of the Governors Message as relates to a revision of the criminal law be referred to the committee on the judiciary.

5. Resolved. That so much of the Governors message as relates to an increase of the salaries of the Judges of the circuit courts, and the solicitors be referred to the judiciary committee.

6. Resolved, That so much of the Governors message as relates to a report of the cases adjudicated in the Supreme Court of this State be referred to the committee on the judiciary.

7. Resolved, That so much of the Governors message as relates to the subject of education and the location of the University be referred to the committee on Schools and colleges and school and college lands.

8th. Resolved, That so much of the Governors message as relates to the quota of arms due to this state from the general government, and the distribution of the same be referred to the military committee.

9th. Resolved, That so much of the Governors message as relates to the protecting duties which occupied the last and are expected to occupy the next session of Congress be referred to a special committee.

10th. Resolved, That so much of the Governors message as relates to the subject of internal improvement be referred to the committee on Inland Navigation.

11th. Resolved. That so much of the Governors message, as relates to agriculture be referred to a special committee.

12th. Resolved, That so much of the Governors message as relates to the State Bank be referred to the standing committee on that subject—all of which were severally read and apoted.

Agreeably to the 1st Resolution Mr. President appointed a special committee to consist of Messrs. Hubbard, Casey, and Sullivan.

Agreeably to the 2d Resolution Mr. President appointed a special committee to consist of Messrs. Jackson, Casey, and Earle.

Agreeably to the 9th Resolution Mr. President appointed a special committee to consist of Messrs. Hubbard, Sullivan, and Barton.

Agreeably to the 11th Resolution Mr. President appointed a special committee to consist of Messrs. Merriwether, Evans, and Casey.

Mr. Hubbard offered the following resolution: Resolved, That the Judiciary committee be instructed to report a bill regulating the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities and the amount of such deduction which was adopted.

Mr. Jackson moved to reconsider the vote on the adoption of the above Resolution which was carried.

Mr. Jackson then moved to amend the resolution by striking out all after the word *Resolved*, and inserting the following, that the Judiciary committee be instructed to inquire into the expediency of regulating the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities and the amount of such deduction and also into the propriety of compelling the Judges of the several circuit courts, to attend on the first day of each term at the several places for holding courts and to report by bill or otherwise which was carried.

The Resolution as amended was then adopted.

Mr. Jones introduced Joint Resolutions proposing amendments to the constitution of the state of Alabama, which were read and ordered to a second reading tomorrow.

Mr. Crabb, offered the following resolution: *Resolved*, by the senate that with the concurrence of the House of Representatives, it shall be the duty of the military standing committees of the two Houses of the General Assembly, to examine the State Arsenal and to report the number and situation of the public arms therein which was adopted.

Mr. Sullivan offered the following resolution: *Resolved*, That the Judiciary committee be instructed to enquire into and report to the Senate whether the act providing for electing electors, to vote for the President and Vice President of the United States, has not expired by its own limitation and report whether it is necessary to revive the same with such amendments as may be deemed essential: which was adopted.

Mr. Powell, offered the following resolution. *Resolved*, That the Senate will on Saturday the 24th inst. at 12 o'clock M. proceed to the election of a committee on the part of the Senate to act with such committee as may be appointed by the House of Representatives, for the purpose of examining into the condition of the Bank of the State of Alabama, pursuant to the provisions of an act entitled "An act to amend the Charter of the Bank of the State of Alabama, and that the House of Representatives be informed thereof.—which was adopted.

Mr. Jackson moved to reconsider the vote of the Senate on the adoption of the resolution offered by Mr. Casey, instructing the judiciary committee to report a bill requiring the Judges of the circuit courts, to attend on the first day of the courts, which was carried.

Ordered that the Resolution lie on the table and then the Senate adjourned till to-morrow 10 o'clock.

Saturday, November 24th, 1827.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. McClellan, their engrossing clerk.

Mr. President:—The House of Representatives, have adopted the following resolution: *Resolved*, That the Senate be informed that this House have elected. Messrs. Kelly, Greening, and Ross, to act with such committee, as may be appointed on their part to examine the condition of the State Bank.

Mr. Jackson from the special committee, to which was referred the petitions of the citizens of Florence, reported a bill to be entitled an act to amend an act entitled an act to incorporate the town of Florence in the State of Alabama, which was read and ordered to a second reading on Monday next.

Mr. Jackson from the special committee, to which was referred the petitions of Henry Donahoe, and Mahala Farrar, and others reported a bill to be entitled an act to authorise Mahala Farrar, to emancipate a mulatto woman-slave named Patience, which was read and ordered to a second reading on Monday next.

Mr. McCamy from the committee on propositions and grievances, to which was referred the petition of William Furgason, reported a bill to be entitled an act, for the relief of William Furgason, which was read and ordered to a second reading on Monday next.

Mr. President laid before the Senate a communication from Grantland and Robinson, State Printers stating the causes which produced the de-

lay in printing, and distributing the Acts and Journals of the last session of the Legislature, which was read and ordered to lie on the table.

Mr. Irwin introduced a bill to be entitled an act to establish and organize a circuit court in Dale County, and for other purposes which was read and ordered to a second reading on Monday next.

Mr. M'Camy offered the following resolution: *Resolved*, That the judiciary committee be instructed to enquire into the propriety of forming a seventh judicial circuit, with leave to report by bill or otherwise which was adopted.

Mr. Jones introduced a joint resolution proposing an alteration to the Constitution of the State of Alabama, which was read, and ordered to a second reading on Monday next.

Joint Resolutions proposing amendments to the constitution of the State of Alabama, were read the second time and referred to the committee on the Judiciary to consider and report thereon.

In pursuance of the resolution of yesterday and of the act entitled "An act to amend the Charter of the Bank of the State of Alabama, the Senate proceeded to elect a committee to act jointly with such committee as may be elected by the House of Representatives to examine into the affairs and report the situation of the Bank of the State of Alabama—messrs. Jackson, Casey, Earle, Merriwether, Sullivan, and Barton, being in nomination.

Mr. Jackson asked to be excused from serving on the committee which was refused by the Senate.

The votes stood thus—For Mr. Jackson, 14.—Mr. Casey, 15.—Mr. Earle, 8.—Mr. Merriwether, 4.—Mr. Sullivan, 4.—Mr. Barton, 6.

Those who voted for Mr. Jackson are Mr. President, Ashe, Brown, Casey, Earle, Evans, Hubbard, Jones, M'Camy, Merriwether, Moore, Powell, Skinner, and Sullivan.

Those who voted for Mr. Casey are Mr. President, Ashe, Brown, Crabb, Earle, Evans, Irwin, Jackson, Jones, M'Camy, Merriwether, Moore, Powell, Skinner, and Sullivan.—Those who voted for Mr. Earle are, Mr. President, Brown, Casey, Jackson, Merriwether, Powell, Skinner and Sullivan.—Those who voted for Mr. Merriwether are, Messrs. Casey, Hubbard, Irwin, and Moore.—Those who voted for Mr. Sullivan are Messrs. Crabb, Hubbard, Irwin, and Jones.—Those who voted for Mr. Barton, are Messrs. Ashe, Crabb, Earle, Evans, Jackson, and M'Camy.

Messrs. Jackson, and Casey, having received a majority of all the votes present, were declared by Mr. President, to be duly elected members of the committee to examine the State Bank.

The Senate then proceeded to elect one other member of the committee to examine and report the state and condition of the Bank—the names of Messrs. Merriwether, and Sullivan, having been withdrawn.—For Mr. Earle, 11—Mr. Barton 6.—Those who voted for Mr. Earle, are Mr. President, Brown, Casey, Irwin, Jackson, Jones, Merriwether, Moore, Powell, Skinner, and Sullivan.—Those who voted for Mr. Barton, are Messrs. Ashe, Crabb, Earle, Evans, Hubbard, and M'Camy.

Mr. Earle having received a majority of votes, was declared to be duly elected a member of the committee to examine and report the state and condition of the State Bank.

And then the Senata adjourned till Monday morning at 10 o'clock.

Monday November, 26 1827.

The Senate met pursuant to adjournment.

Mr. Sterriwether presented the petition of Pleasant Wright, Jailor of Greene county, asking pay for dieting a person committed to the jail of said county as a runaway slave, who was afterwards discharged from confinement upon the ground that he was a free man, which was read and referred to the committee on propositions and grievances, to examine and report thereon.

Mr. Evans presented the accounts of the Sheriff of Wilcox county, against the State; which were referred to the committee on accounts and claims.

A message from the House of Representatives by Mr. Ready their assistant clerk: *Mr. President*, the House of Representatives concur in the Resolution of your honorable body, to go into the election of a State Printer at the hour of 2 o'clock on this day. They also concur in the resolution of the Senate making it the duty of the military standing committees of the two Houses to examine the state arsenal and report the situation of the public arms therein.

They have adopted the following Resolution in which they desire your concurrence: *Resolved*, That with the concurrence of the Senate the two Houses immediately after electing a State Printer, will proceed to the election of Judges of the county courts of Fayette, Montgomery, Pike, Tuscaloosa, Clarke, and Dale, Counties:

Ordered that the Senate concur in the resolution from the House of Representatives, in relation to electing county court Judges, after the election of State Printer.

Ordered that the Secretary inform the House thereof.

Mr. Casey gave notice that on to-morrow he would move to amend the 52d rule for the government of the proceedings of the Senate.

A bill to be entitled an act for the relief of William Ferguson, and an act to amend an act entitled an act to incorporate the Town of Florence in the State of Alabama, were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act, to authorize Mahala Farrar, to emancipate a mulatto woman slave named Patience, was read the second time and on Mr. Caseys motion ordered to lie on the table.

A bill to be entitled an act to organise and establish circuit courts in Dale county and for other purposes and Joint Resolutions proposing an alteration to the constitution of the State of Alabama, were severally read the second time and referred to the committee on the judiciary to consider and report thereon.

On motion of Mr. Jackson, Ordered that the communication from George F. Salle, preferring charges against the Hon. A. S. Lipscomb, one of the Judges of the Circuit and Supreme Courts, be again laid on the table till to-morrow.

Mr. Jones introduced a bill to be entitled an act to limit the jurisdiction of Justices of the Peace in all cases of contract, which was read and on the question, shall the bill be read the second time to-morrow, it was determined in the negative.

Mr. Irwin offered the following resolution: *Resolved*, That the judiciary committee be instructed to lay before the Senate Joint Resolutions proposing an amendment to the constitution of this State providing that the offices of Chancellors, Judges of the Supreme and circuit courts and Judges of the Inferior courts shall expire after the expiration of a certain term of years instead of the present tenure by which they hold their respective offices which was rejected.

Mr. Evans offered the following resolution: *Resolved*, That the committee on Schools and colleges and school and college lands be instructed to enquire into the expediency of authorising the sale of the sixteenth sections in this State; and that the said committee be required to report by bill or otherwise the best mode of ascertaining the sense of the inhabitants of the different Townships as to the sale of said sections and to provide for the sale of the same if it should be so determined by the inhabitants and for the funds arising from the sale thereof.

Mr. Sullivan moved to amend the Resolution by adding the words "pursuant to the provisions of the late act of Congress" after the words "authorising the sale of the 16th sections in this State;" which was carried. The resolution as amended was then adopted.

Mr. Casey offered the following resolution: *Resolved*, That a committee be appointed by the Senate to act with such committee as may be appointed by the House of Representatives to conduct the Governor elect into the Hall of the House of Representatives for the purpose of taking the necessary oaths previous to entering on the discharge of the duties of his office: which was adopted; whereupon Messrs. Casey and Evans were appointed the committee on the part of the Senate. *Ordered*, That the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Tupstall, their clerk.

Mr. President:—The House of Representatives have adopted the following resolution: *Resolved*, That the Senate be informed pursuant that the House of Representatives are now ready to receive them, for the purpose of installing and qualifying the Governor elect; and that the east end of the Hall be assigned for their reception. Whereupon the members of the Senate repaired to the hall of the House of Representatives, & having taken their seats his Excellency John Murphy, appeared and delivered an appropriate address to both Houses, after which the oath prescribed by an act to suppress duelling and the oath prescribed by the Constitution of the State were severally administered to him in due form and then the Senate withdrew and returned to their own chamber, and Mr. President resumed the chair.

On motion the Senate adjourned till 2 o'clock this evening.

Evening Session.—Mr. Barton a Senator from the district composed of the counties of Mobile, Baldwin, and Washington, appeared and took his seat.

Mr. Irwin presented the petition of sundry citizens of Pike County recommending Alexander M'Call, as a suitable person to fill the office of Judge of the county court of said county, which was read and laid on the table.

Mr. President laid before the Senate the following communication from George F. Salle.

TUSKALOOSA, Nov. 6, 1827.

To the Hon. The President of the Senate of the State of Alabama.—Sir. I had the honor of addressing you a few days since a letter containing charges against Abner S. Lipscomb, Judge of the first Judicial circuit of this State, which I am informed has been laid over to some future day. Upon further reflection as to the course to be pursued in a matter of so high importance to this State, and to the distinguished individual implicated I am sensible that I was premature in bringing the subject in the first instance before the Senate. I shall be prepared in the course of tomorrow or next day to bring the matter formally and constitutionally

before the House of Representatives. I therefore with permission beg leave to withdraw the said letter with the highest respect.

(Signed)

GEORGE F. SALLE.

Mr. Jackson moved to reconsider the vote of the Senate ordering the letter from George F. Salle, preferring charges against the Hon. A. S. Lipscomb, to be laid on the table till to-morrow which was carried.

Ordered that Mr. Salle have leave according to his request to withdraw his letter containing charges against Judge Lipscomb.

A message was received from the House of Representatives by Mr. Tunstall their clerk, inviting the Senate to assemble in the Representatives Hall for the purpose of going into certain elections according to a previous resolution of the two Houses. Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken their seats Mr. President arose and announced the object of the meeting—when the two Houses proceeded to the election of a State Printer Messrs. Grantland & Robinson, and Dugald M'Farlane, being in nomination.

For Dugald M'Farlane 62 votes.—For Grantland & Robertson 20 votes.

Those who voted for Dugald M'Farlane are, Messrs. Abercrombie, Ashe, Casey, Crabb, Earle, Hubbard, Erwin, Jones, Merriwether, Moor, Skinner, Sullivan, of the Senate Mr. Acklen, Anderson, Bell, Bradford, Brown, Bridges, Bonnell, Clark, Colgin, Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durret, Duke, Edmondson, Forrest, Greening, Higgins, Jack, Kelly, Lawler, McVay of Land, McVay of Law, Massey, McRae of Mont. McRae of Frank, Moore of Mad. Paulding, Price, Rainey, Richardson, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad. Stone, Tarver, Vaughan, Walker, Walthall, Ward, Weisinger, Wiggins, &c.—Those who voted for Grantland & Robertson are, Mr. President, Barton, Brown, Evans, Jackson, McCamy, Powell, of the Senate Mr. Speaker, Broadnax, Collier, Ellis, Harris, Lewis, Martin, Moore of Jack, Perkins, Rather, Ross, Terry, Vining, 20.

Dugald M'Farlane having received a majority of votes Mr. Speaker therefore declared him duly elected public printer for the coming twelve months.

Both Houses then proceeded to the election of a Judge for the county court of Fayette County.—John McConnel being in nomination; For John McConnel 79 votes.

Those who voted for John McConnel are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jackson, Jones, McCamy, Merriwether, Moore, Powell, Skinner, Sullivan of the Senate, Mr. Speaker Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Daniel, Davis, Dennis, Durret, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, Massey, McRae of Mont. McRae of Frank, Moore of Jack, Moore of Mad. Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad. Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins, 79—John McConnel having received a majority of votes Mr. Speaker therefore declared him duly elected Judge of the county court of Fayette County.

Both Houses then proceeded to the election of a Judge of the county court of Montgomery County.

Nimrod E. Benson being in nomination.—For Nimrod E. Benson 79 votes.

Those who voted for Nimrod E. Benson are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jones, McCamy, Merriwether, Moore, Powell, Skinner, and Sullivan of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durret, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, McVay of Land, McVay of Law, Massey, McRae of Mont. McRae of Frank, Moore of Jack, Moore of Mad. Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad. Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins, 79.

Nimrod E. Benson having received a majority of votes Mr. Speaker

therefore declared him elected Judge of the county court of Montgomery county.

Both houses then proceeded to the election of a Judge of the county court of Pike County Alexander McColl being in nomination for Alexander McColl 79 votes.

Those who voted for Alexander M'Coll are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jackson, Jones, Merriwether, Moore, Powell, Skinner, Sullivan of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, McVay of Land, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Moore of Mad, Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—79.

Alexander McColl having received a majority of votes Mr. Speaker therefore declared him duly elected Judge of the county court of Pike county.

Both Houses then proceeded to the election of a Judge of the county court of Tuskaloosa County. Thomas Owen being in nomination

For Thomas Owen 79 votes.—Those who voted for Thomas Owen are Mr. President Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jackson, Jones, Merriwether, Moore, Powell, Skinner, Sullivan, of the Senate Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, McVay of Land, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Moore of Mad, Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—79.

Thomas Owens having received a majority of votes Mr. Speaker therefore declared him duly elected Judge of the county court of Tuskaloosa County.—Both Houses then proceeded to the election of a Judge of the

county court of Clark county. Samuel Wilkinson being in nomination For Samuel Wilkinson 76 votes.—Those who voted for Samuel Wilkinson

are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Irwin, Jackson, Jones, Merriwether, Moore, Powell, Skinner, Sullivan, of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, McVay of Land, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Moore of Mad, Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—76.

Samuel Wilkinson having received a majority of votes Mr. Speaker therefore declared him duly elected Judge of the county court of Clark county.—Both Houses then proceeded to the election of a Judge of the County court of Dale county, William Loftin being in nomination.

For William Loftin 75 votes—Those who voted for William Loftin are Mr. President Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Irwin, Jackson, Jones, Merriwether, Moore, Powel, Skinner, Sullivan of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durret, Duke, Ellis, Edmondson, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, M'Vay of Laud, M'Vay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Paulding, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—75.

William Loftin having received a majority of votes Mr. Speaker, thereupon declared him duly elected Judge of the county court for Dale county.

The elections being completed the Senate withdrew returned to their own chamber, and Mr. President resumed the chair when on motion the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, November 27th, 1827.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate a communication from Samuel Pickens, Esq. Comptroller of public accounts, transmitting his annual report on the financial operations of the State for the year ending the 26th, November 1827 which was read.

Ordered that the report lie on the table, and that five hundred copies thereof be printed for the use of the Senate.

Mr. Ashe presented the account of the Sheriff of St. Clair County against the State, which was referred to the committee on acc'ts & claims.

A message from the House of Representatives by Mr. Tunstall their clerk.—Mr. President. The House of Representatives have passed bills which originated in their House entitled an act to incorporate the Town of Blountsville in the county of Blount, and an act to authorise Isham R. Houze to bring to this State the slaves of Susan B. Houze. In which they desire your concurrence.

The Bills mentioned in the foregoing message were severally read the first time in the Senate and ordered to a second reading to-morrow.

Engrossed bills entitled an act to amend an act entitled an act to incorporate the Town of Florence in the State of Alabama, and an act for the relief of William Furgason, were severally read the third time and passed.

Ordered that the titles of the bills be as aforesaid, and that they be reported to the House of Representatives for concurrence.

Mr. Crabb introduced a bill to be entitled an act relative to the satisfaction of executions and the service of warrants which was read and ordered to a second reading to-morrow.

Mr. Sullivan offered the following resolution: *Resolved*, That the President & Directors of the Bank of the State of Alabama, be requested to report to the Senate the different items of real estate belonging to said institution, how situated, at what prices purchased, and what sum or sums have been paid for the same, and what sum or sums may be, or become due from said institution on any contract or contracts for the purchase of any real or personal estate or improvement thereon.

Mr. Hubbard offered the following amendment to the resolution, and if any contracts have been made for the purchase of real estate and erecting a Banking House thereon that the said President and Directors be

requested to state by what authority the same have been made, which was adopted.

The Resolution as amended was then agreed to.

Mr. Abercrombie offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the propriety of requiring Justices of the Peace to give bond and security for the proper and faithful discharge of the duties of their office which was adopted.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, November 28th, 1827.

The Senate met pursuant to adjournment.

Mr. M'Cany from the committee on propositions and grievances to which was referred the petition of Pleasant Wright, reported a bill to be entitled an act for the relief of Pleasant Wright, which was read and ordered to a second reading to-morrow.

Mr. Barton from the committee on the judiciary to which was referred the petition of William W. Garrard reported a bill to be entitled an act for the relief of William W. Garrard, which was read and ordered to a second reading to-morrow.

Mr. Barton from the same committee to which was referred the petition of Henry Box, reported a bill to be entitled an act, for the relief of Henry Box, which was read and ordered to a second reading to-morrow.

Mr. Barton from the same committee to which was referred a resolution on the subject, reported a bill to be entitled an act to amend an act entitled an act excluding from suffrage, serving as jurors, and holding offices, such persons as may be convicted of bribery, forgery, perjury, and other high crimes and misdemeanors; which was read and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. Ready.

Mr. President.—The House of Representatives have read a third time and passed bills which originated in their House, entitled an act to provide for an extra term of the circuit court of Mobile County, An act to fix and establish the dividing line between the counties of Jefferson & Tuscaloosa, by visible and marked boundaries: An act prescribing the mode of commencing the contest of certain elections, and of procuring evidence therein: An act to emancipate certain slaves therein mentioned and An act to repeal in part and amend the several acts now in force relative to the Port and Harbor of Mobile. In all of which they desire your concurrence.

The bills mentioned in the foregoing message were severally read the first time in the Senate and ordered to a second reading to-morrow.

Mr. Casey offered the following resolutions:

1. *Resolved*, That the committee on the public buildings be instructed to inquire into and report to this House the probable cost of the State House according to the plan adopted at the last session.

2. *Resolved*, Further that the said committee be instructed to inform the commissioners appointed by the last General Assembly to contract for the building of the State House, to suspend making any further contracts until the plan be revised or further instructions be given them.

3. *Resolved*, Further that the said committee obtain from the Architect a plan of a building which will not exceed the appropriation made at the last session.

4. *Resolved*, Further that the committee ascertain for what Salary the Architect can be obtained.

Mr. Crabb moved to strike out the third resolution offered by Mr. Casey, which was lost.

The question was then put on the adoption of the first resolution offered by Mr. Casey and determined in the affirmative.

The question was also put on the adoption of the second resolution offered by Mr. Casey and determined in the negative.

Mr. Hubbard moved to amend the 3d resolution offered by Mr. Casey by striking out all after the word "Architect," and inserting the following: "a suitable plan which shall be nearest in amount of cost to the amount of the appropriation of the last session of the General Assembly."

Mr. Powell moved to amend the amendments offered by Mr. Hubbard by inserting after the word "plan," the words "suitable to the dignity and corresponding with the general convenience of the State;" which was rejected.

A division of the question on Mr. Hubbards motion to amend the resolution being called for, the question was put on striking out the words proposed by him to be stricken out and determined in the affirmative.

The question was then put on agreeing to Mr. Hubbards proposition to insert the word above mentioned and decided in the affirmative.

Mr. Jackson moved to amend the 3d resolution by adding at the end thereof the following: "and that the estimates of the cost of the different materials required for said building, and the workmanship for completing the same with the calculation upon which such estimates are founded shall accompany the plan or plans furnished by said Architect," which was carried.

The third resolution as amended was then agreed to.

The question was then put on the adoption of the fourth resolution offered by Mr. Casey and determined in the affirmative.

Mr. Casey offered the following resolution: *Resolved*, That the committee on county boundaries be instructed to enquire into and report to the Senate whether any of the counties in this State, formed since the adoption of the constitution, are not constitutional which was rejected.

Mr. Brown introduced a bill to be entitled, An act to give Justices of the peace jurisdiction of certain contracts therein named, which was read and ordered to a second-reading to-morrow.

Mr. Powell offered the following resolution: *Resolved*, That the committee of roads, bridges and ferries, be instructed to examine into the law providing for the opening of new roads; and the mode pointed out for the apportionment of hands to work on such new roads, and if considered necessary to report a bill more particularly defining the same which was adopted.

Mr. Casey offered the following resolution: *Resolved*, That the committee on county boundaries enquire and report to the Senate whether the counties of Bibb and Pickens, are constitutional, which was adopted.

On motion of Mr. Abercrombie, ordered that Messrs. Casey and Powell, be added to the committee on county boundaries.

Ordered that Mr. Sullivan be added to the same committee.

Mr. Brown introduced a bill to be entitled an act, to authorise John Smith of Jefferson County to emancipate a certain slave therein named; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act relative to the satisfaction of executions and the service of warrants and. An act to authorise William R. Howze to bring into this state the slaves of Susanna B. Howze, were severally read the second time and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act to incorporate the Town of Blountsville in the county of Blount, was read the second time and ordered to a third reading to-morrow.

Mr. McCamy introduced a bill to be entitled an act to repeal the first section of an act entitled an act, requiring the Judges of the circuit courts to alternate and for other purposes, approved the 14th January 1826 and for other purposes, which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, November 29th, 1827.

The Senate met pursuant to adjournment.

Mr. Sullivan from the special committee to which was referred a resolution of the Senate on the subject report a memorial to the Congress of the United States requesting a postponement of the sales of the public land in the Tuscaloosa and Cahawba districts; which was read and ordered to a second reading to-morrow.

Mr. Casey according to notice moved to amend the 32d. Rule of the Senate by adding the words "or Joint Resolution" after the word "bill," where the rule reads thus "A bill once rejected, another of the same substance shall not be introduced during the session"—which was carried.

Mr. Abernethy introduced a bill to be entitled an act for the relief of James W. Armstrong, which was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed.

Ordered that the title be as aforesaid and that the bill be reported to the House of Representatives for concurrence.

Mr. Brock offered the following resolution: *Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending the existing laws providing for the election of Representatives in Congress, so that Sheriffs shall be compelled to make their returns on a day certain thereby avoiding the useless expense incurred under the present law, which was adopted.

A bill from the House of Representatives entitled an act to incorporate the Town of Blountsville in the county of Blount, was read the third time and passed.

Ordered that the bill be returned to the House of Representatives.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have adopted the following resolution in which they desire your concurrence. *Resolved*, That a committee be appointed who shall act as a joint committee with such committee as shall be appointed on the part of the Senate to examine the Library of the State, and report its condition and what, if any regulations may be necessary for the same.

They have read three several times and passed bills which originated in their House entitled an act for the relief of Bushrod W. Bell. An act to prevent the abatement of suits in certain cases. An act to extend the corporate limits of Bellefont. An act supplementary to an act entitled an act to alter and amend the charter of incorporation of the city of Mobile. An act to amend an act incorporating the town of Huntsville, and an act authorising a lottery for the benefit of Cyrus chapter No. 6, of Royal Arch Masons and of Florence Lodge No. 14, of Ancient Free Masons. In all of which they desire your concurrence.

Ordered that the Senate concur in the resolution from the House of

Representatives appointing a committee to act with such committee as the Senate may appoint to examine the Library of the State, and report its condition and what if any regulations be necessary for the same. Whereupon, Messrs. Barton, Casey, and Jackson, were appointed the committee on the part of the Senate.

Ordered that the Secretary acquaint the House of Reprs. therewith.

Bills from the House of Representatives entitled an act for the relief of Bushrod W. Bell, an act to prevent the abatement of suits in certain cases. An act to extend the corporate limits of Bellefont, an act supplementary to an act entitled an act to alter and amend the charter of incorporation of the city of Mobile; An act to amend an act incorporating the Town of Huntsville, and an act authorising a Lottery for the benefit of Cyrus Chapter No. 6, of Royal Arch Masons and of Florence Lodge No. 14, of Ancient Free Masons, were severally read the first time and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have read a third time and passed a bill which originated in the Senate entitled an act for the relief of James W. Armstrong, a bill to be entitled an act for the relief of William W. Garrard, an act for the relief of Henry Box, and an act to amend an act entitled an act excluding from suffrage, serving as jurors and holding offices such persons as may be convicted of bribery, forgery, and other high crimes and misdemeanors, were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to authorise John Smith of Jefferson County to emancipate a certain slave therein named was read the second time and ordered to lie on the table.

A bill to be entitled an act to give Justices of the peace jurisdiction of certain contracts therein named, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to repeal the first section of an act entitled an act requiring the Judges of the circuit courts to alternate was read the second time.

Mr. Jackson moved that the bill be indefinitely postponed.

Mr. Casey moved that the bill lie on the table which was lost.

Ordered that the bill be referred to the committee on the Judiciary to consider and report thereon.

A bill to be entitled an act for the relief of Pleasant Wright, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, an act to repeal in part and amend the several acts now in force relative to the port and Harbor of Mobile, was read the second time and referred to a special committee consisting of Messrs. Barton, Hubbard, and Evans, to consider and report thereon.

A bill to be entitled, An act to provide for an extra term of the circuit court of Mobile County, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled, An act to fix and establish the dividing line between the counties of Tuscaloosa, and Jefferson by visible and marked boundaries was read the second time and referred to the committee on county boundaries, to consider and report thereon.

A bill to be entitled, An act prescribing the mode of commencing the contest of certain elections, and of procuring evidence therein, was read the second time amended on Mr. Hubbards, motion by striking out the

word "*verbatim*," where it requires the testimony of witnesses to be taken down *verbatim*, and referred to the committee on the judiciary, to consider and report thereon.

A bill to be entitled, An act to emancipate certain slaves therein named, was read the second time and ordered to lie on the table.

Mr. Casey offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to enquire into and report whether an amendment to the Charter of the said Bank, so as to limit the amount which any person or persons may be indebted at any one time by the purchase of Bills of Exchange will not add to the security of the funds of the institution and report by bill or otherwise; which was adopted.

Mr. Powell offered the following resolution: *Resolved*, That the Secretary of State be requested to furnish for the use of the members of the Senate an abstract of the census of the several counties of the State, as returned to his office pursuant to the provisions of an act entitled, "An act to provide for taking the census of this State." Approved 9th, Dec. 1826; which was adopted.

Mr. Hubbard introduced a bill to be entitled an act more effectually to prevent frauds and fraudulent conveyances, and for other purposes; which was read and ordered to a second reading to-morrow.

Mr. M'Cainy offered the following resolution: *Resolved*, That the Judiciary committee be instructed to enquire into the propriety of simplifying the mode of making up pleadings in the courts of justice in this State, with leave to report by bill or otherwise, which was adopted. And then the Senate adjourned till to-mor-row morning at 10 o'clock.

Friday, November 30th, 1827.

The Senate met pursuant to adjournment.

Mr. Powell presented the account of Hiram P. Cochrane, Sheriff of Tuscaloosa County against the State; which was referred to the committee on accounts and claims.

Mr. Powell from the joint committee on Enrolled bills reported as correctly enrolled: An act for the relief of James W. Armstrong, which was accordingly signed by Mr. President.

Mr. Barton from the Judiciary committee to whom was referred a resolution of the Senate instructing them to enquire into the expediency of regulating the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities and the amount of such deductions; and also into the propriety of compelling the Judges of the several circuit courts to attend on the first day of each term at the several places of holding courts, reported a bill to be entitled, An act to provide for making deductions from the salaries of public officers who may fail or neglect to perform the duties of their office; which was read. Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr. Barton from the same committee to whom was referred a bill to be entitled an act to provide a more summary mode for the trial of assaults and batteries, reported a substitute for the original bill as an amendment thereto; which was concurred in.

Ordered that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to whom was referred a resolution of the Senate instructing them to enquire into and report to the Senate whether the act providing for electing electors to vote for President and

Vice-President of the United States has not expired by its own limitations; and report whether it is necessary to revive the same with such amendments, as may be deemed essential, reported a bill to be entitled an act to revive and continue in force an act entitled an act to provide for the choosing electors of President and Vice-President of the United States, approved Dec. 20th, 1823; which was read.

Ordered that the bill be made the order of the day for a second reading to-morrow.

Mr. Barton from the same committee to whom was referred so much of the Governor's message as relates to the instructions given by the Governor to the Solicitor of the first Judicial circuit to institute proceedings in the nature of a *Quo Warranto* against the Tombecbee Bank; reported that the committee ask to be discharged from the further consideration of the subject; which was agreed to.

Mr. Barton from the same committee to whom was referred so much of His Excellency's message as relates to an increase of the salaries of the Judges of the circuit courts and the Solicitors reported that it is inexpedient in the opinion of the committee at this time to increase the salaries of said officers; which was concurred in by the Senate.

Mr. Barton from the same committee to whom was referred a resolution of the Senate instructing them to enquire into the propriety of requiring Justice of the peace to give bond and security for the proper and faithful discharge of the duties of their office reported, that it is inexpedient, in the opinion of the committee, to pass such a law. The question being put on concurring in the above report it was determined in the affirmative.—Yeas 11, nays 8.

The Yeas and Nays being desired on the question to concur, those who voted in the affirmative are, Mr. President, Ashe, Brown, Earle, Hubbard, Jackson, Merriwether, Moore, Powell, Skinner, and Sullivan. Those who voted in the negative are Messrs. Abercrombie, Barton, Casey, Crabb, Evans, Irwin, Jones, and McCamy, so the report was concurred in.

Mr. Barton from the same committee to whom was referred a resolution of the Senate instructing them to enquire into the propriety of simplifying the mode of making up pleadings in the courts of Justices in this State, reported, that it is inexpedient in the opinion of the committee to Legislate upon the subject at this time; which was concurred in.

Mr. President laid before the Senate a report from the President and Directors of the Bank of the State of Alabama made in pursuance of a resolution "requesting them to report to the Senate the different items of real estate belonging to said institution, now situated, at what prices purchased, and what sum or sums have been paid for the same and what sum or sums are now, or may become due from said institution, on any contract or contracts for the purchase of any real or personal estate or improvement thereon and if any contracts have been made for the purchase of real estate and for erecting a Banking House thereon, that said President and Directors be requested to state by what authority the same have been made;" which report was read and referred to the committee on the Judiciary to consider and report thereon.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have adopted the following resolution in which they desire your concurrence: Resolved, That with the consent of the Senate the two houses will go into the election of

a Judge of the county court of St. Clair, at 12 o'clock to-morrow, and that the East end of the Hall be set apart for their reception.

Ordered that the Senate concur in the above resolution and that the Secretary acquaint the House of Representatives therewith.

Mr. President laid before the Senate a communication in writing from James L. Thornton, Esq. Secretary of State transmitting an abstract of the Census of the several counties of this State as returned to his office in pursuance of a resolution of the Senate.

Ordered that the communication lie on the table, and that thirty copies of the abstract of the census be printed for the use of the Senate.

Mr. Abercrombie offered the following resolution: *Resolved*, That the Judiciary committee be instructed to enquire into the expediency of fining and imprisoning Justices of the peace who refuse to pay over money collected by them to the owner.

Mr. Abercrombie moved to amend the resolution by adding at the end thereof the words "according to law," which was lost.

Mr. Hubbard moved to amend the resolution by striking out all after the word *expediency* and inserting the word "of inflicting suitable penalties upon Justices of the peace for failing to pay over money collected by them;" which was carried.

Mr. Powell moved further to amend the resolution by striking out all after the word *expediency* and inserting the following "of passing a law law requiring all moneys collected by constables to be by them paid over to the plaintiff or persons authorised to receive such moneys, and for the same not to be paid into the hands of Justices of the peace" which motion was lost.

The question was then put on the adoption of the resolution as amended and determined in the affirmative—yeas 12, nays 7.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Abercrombie, Barton, Brown, Casey, Crabb, Evans, Hubbard, Jones, McCamy, Skinner, and Sullivan.

Those who voted in the negative are Messrs. Ashe, Earle, Irwin, Jackson, Merriwether, Moore, and Powell.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have read a third time and passed bills which originated in their House entitled an act to emancipate certain persons therein named; An act better to secure the benefit of the laws exempting certain property from execution to poor families of this State, and An act to provide for the arranging, filing and preservation of the papers relating to unfinished business of each session of the Legislature. In all of which they desire your concurrence.

The bills mentioned in the foregoing message were severally read the first time in the Senate and ordered to a second reading to-morrow.

Engrossed bills entitled an act for the relief of William W. Garrard, An act to amend an act entitled, An act excluding from suffrage serving as jurors, and holding offices, such persons as may be convicted of bribery, forgery and perjury, and other high crimes and misdemeanors, An act to give justices of the peace jurisdiction of certain contracts therein named, An act for the relief of Henry Box; and an act for the relief of Pleasant Wright, former jailor of Greene County, were severally read the third time and passed.

Ordered that the titles of the bills be as aforesaid and that they be reported to the House of Representatives for concurrence.

A bill from the House of Representatives entitled an act to provide for an extra term of the circuit court of Mobile County, was read the third time and passed. Ordered, that the bill be returned to the House of Representatives.

A memorial to the Congress of the United States requesting a postponement of the sales of the public lands in the Tuskaloosa, and Cahawba Districts was read the second time.

Mr. Jackson moved that the memorial be referred to a special committee with instructions to amend it as to make the application for a postponement of the sales to the President of the United States instead of to Congress; which was lost—Yeas 8. nays 11.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Abercrombie, Barton, Brown, Earle, Jackson, Jones, Merriweather, and Powell.—Those who voted in the negative are Mr. President, Ashe, Casey, Crabb, Evans, Hubbard, Irwin, McCamy, Moore, Skinner, and Sullivan. Ordered, that the memorial be engrossed for a third reading to-morrow.

A bill to be entitled, an act more effectually to prevent frauds and fraudulent conveyances, and for other purposes, was read the second time and referred to the committee on the judiciary to consider and report thereon.

Bills to be entitled an act supplementary to an act entitled an act to alter and amend the Charter of Incorporation of the City of Mobile, An act to prevent the abatement of suits in certain cases, An act to extend the corporate limits of Bellefont, An act for the relief of Bushrod W. Bell, and An act authorising a Lottery for the benefit of Cyrus Chapter No. 6, of Royal Arch Masons and of Florence Lodge No. 14, of ancient Free Masons in the Town of Florence, were severally read the second time and ordered to a third reading to-morrow. Ordered, that the bill entitled an act to amend an act Incorporating the Town of Huntsville lie on the table. Ordered, that Mr. Casey be added to the committee on the Judiciary. Ordered, that Mr. Earle be added to the same committee.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, December 1st, 1827.

The Senate met pursuant to adjournment.

Mr. Moore presented the petition of Phebe Gray a feme covert praying the passage of a law rendering her competent to trade for herself and to hold what property she may acquire, which was read and referred to the committee of propositions and grievances, to consider and report thereon.

Mr. Powell presented the account of Hiram P. Cochrane against the State; which was referred to the committee on accounts and claims.

Mr. Barton from the special committee to which was referred the bill entitled, an act to repeal in part and amend the several acts now in force relative to the Port and Harbor of Mobile; reported the same as amended, which was concurred in. Ordered, that the bill be made the order of the day for a third reading on Monday next.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have read three several times and passed bills, which originated in their House entitled, an act to alter the boundary line between Shelby and Autauga Counties, an act to emancipate a certain slave therein named, an act to authorise the commissioners of the 16th, section of the 1st, Township and 8th, Range west of of the Meridian of Huntsville situated in the county of Lauderdale to lease said section for ninety-nine years renewable forever, an act to incorporate

the Blakely and Greenville Turnpike Company and an act incorporating the Town of Courland in the County of Lawrence.—In all of which they desire their concurrence. The bills mentioned in the foregoing message were severally read the first time in the Senate and ordered to a second reading on Monday next.

A message was received from the Governor by James I. Thornton Esq. Secretary of State informing the Senate of the resignation of John H. Fitz, Esq. Judge of the county court of Washington county; which was ordered to be on the table.

Engrossed bill entitled, an act providing a more summary mode for the trial of persons charged with assaults and batteries and affrays, was read the third time and passed.—Yeas 11, nays 8.

The yeas and nays being desired, on the passage of the bill those who voted in the affirmative are, Messrs. Abercrombie, Ashe, Brown, Hubbard, Irwin, Jones, McCamy, Moore, Powell, Skinner, and Sullivan.

Those who voted in the negative are, Mr. President, Barton, Casey, Crabb, Earle, Evans, Jackson, and Merriwether. So the bill was passed.

Ordered, that the title be as aforesaid, and that the bill be sent to the House of Representatives for concurrence.

Engrossed Memorial to the Congress of the United States requesting a postponement of the sales of the public lands in the Tuscaloosa, and Calhoun Districts, was read the third time and passed.—Yeas 15, nays 4.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Brown, Casey, Crabb, Evans, Hubbard, Irwin, Jones, McCamy, Moore, Powell, Skinner, and Sullivan.

Those who voted in the negative are, Messrs. Barton, Earle, Jackson, and Merriwether. So the memorial was passed. Ordered, that it be reported to the House of Representatives for concurrence.

Bills entitled, An act authorising a Lottery for the benefit of Cyrus Chapter No. 6, of Royal Arch Masons and of Florence Lodge No. 14, of Ancient Free Masons in the Town of Florence; An act to prevent the abatement of suits in certain cases; and an act to extend the corporate limits of Bellefont, were severally read the third time and passed.

Ordered, that they be returned to the House of Representatives.

A bill entitled, an act for the relief of Bushrod W. Bell, was read the third time and on the question "shall the bill pass" it was determined in the affirmative. Yeas 10, nays 1.—The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Crabb, Earle, Evans, Jackson, and McCamy.

Those who voted in the negative are, Messrs. Casey, Hubbard, Irwin, Jones, Merriwether, Moore, Powell, and Sullivan. So the bill was passed.

Ordered, that it be returned to the House of Representatives.

Mr. Sullivan moved that the bill for the relief of Bushrod W. Bell be spread upon the Journals of the Senate.

Mr. Jackson moved to amend the motion by adding the words "and also the petition in behalf of Mr. Bell together with the signatures thereto" which was carried.

The question was then put on agreeing to Mr. Sullivan's motion as amended and determined in the negative.

A message was received from the House of Representatives by Mr. Tunstall their clerk inviting the Senate to assemble in the Representative Hall for the purpose of going into the election of a Judge of the county court of St. Clair county, whereupon the members of the Senate assembled in the Representative chamber and the object of the meeting being announced by Mr. President, the two Houses proceeded to elec

a Judge of the county court of St. Clair county John H. Garrett, James L. Lewis, and Polydore Nailor, being in nomination, for John H. Garrett 41, for James L. Lewis 39, for Polydore Nailor 1.—Those who voted for Mr. Garrett are, Messrs. Abercrombie, Barton, Casey, Crabb, Earle, Evans, Irwin, Jones, and Sullivan of the Senate, Mr. Acklen, Anderson, Bell, Brown, Bridges, Bonnell, Colier, Cook, Coodwood, Davis, Dennis, Ellis, Forrest, Harris, Jack, Kelly, Lewis, McVay of Law, M'Rae of Mon. Moore of Mad. Perkins, Price, Rainey, Rather, Ross, Russell, Sibley, Smith of Clark, Stone, Vining, Ward, Wiggins 41.

Those who voted for Mr. Lewis are, Mr. President, Ashe, Brown, Hubbard, Jackson, M'Caney, Merriwether, Moore, Powell, Skinner, of the Senate, Mr. Speaker, Bradford, Broadnax, Clark, Colgin, Conner, Craig, Daniel, Durrett, Duke, Edmondson, Greening, Lawler, Martin, M'Vay of Laud, Massey, M'Rae of Frank, Moore of Jack, Richardson, Robertson, Sargent, Sharp, Smith of Mad, Tarver, Terry, Vaughan, Walker, Waltham, Weisinger, 39.

Those who voted for Mr. Nailor are, Mr. Higgins.—1.

John H. Garrett having received a majority of votes Mr. Speaker therefore declared him duly elected Judge of the county court of St. Clair county.

The election being completed the Senate withdrew returned to their own chamber and Mr. President resumed the chair.

A bill from the House of Representatives entitled, An act supplementary to an act entitled, An act to alter and amend the charter of incorporation of the City of Mobile, was read the third time and passed.

Ordered, that the bill be returned to the House of Representatives.

A bill to be entitled, An act to provide for making deductions from the salaries of Public officers who may fail or neglect to perform the duties of their office, was read the second time, and ordered to lie on the table till Monday next.

A bill to be entitled an act to revive and continue in force, an act entitled, an act to provide for choosing electors of President and Vice-President of the United States, was read the second time.

Ordered, that it be engrossed and made the order of the day for a third reading on Monday next.

A bill to be entitled, an act to provide for the arranging, filing and preservation of the papers relating to the unfinished business of each session of the Legislature, and an act to emancipate a certain person therein named, were severally read the second time and ordered to lie on the table.

A bill from the House of Representatives entitled, an act better to secure the benefit of the laws exempting certain property from execution to poor families of this State was read the second time and ordered to a third reading on Monday next.

On motion of Mr. Casey, ordered that, Mr. Evans be added to the Judiciary committee.

On motion of Mr. Jackson ordered, that Mr. Brown be added to the same committee. And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, December 31, 1827.

The Senate met pursuant to adjournment.

Mr. Hubbard presented the petition of sundry inhabitants of Walker County praying that a part of walker may be added to Lawrence County, which was read and referred to the committee on county boundaries, to consider and report thereon.

Mr. Barton presented the petition of Francis Passiano, praying the emancipation of Charles Passiano, by an act of the General Assembly

and also the petition of Piere Chastang praying the passage of a law, authorising the emancipation of a female slave named Mary Ann, which were read and referred to a special committee consisting of Messrs. Barton, Earle, and Brown, to consider and report thereon.

Mr. Powell presented the account of the Sheriff of Tuscaloosa County against the State, which was referred to the committee on accounts and claims.

Mr. Barton from the special committee to which was referred a bill entitled, An act prescribing the mode of commencing the contest of certain elections, and of procuring evidence therein, reported the same as amended, which was disagreed to. Ordered, that the bill be made the order of the day for a third reading to-morrow.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have read three several times and passed a bill which originated in their House entitled, an act authorising Samuel B. Ewing, administrator of Thomas Ewing deceased to sell and transfer certain real estate.—In which they desire your concurrence.

The bill mentioned in the foregoing message was read the first time in the Senate and ordered to a second reading to-morrow.

An engrossed bill entitled, an act to revive and continue in force an act entitled an act to provide for choosing electors of President and Vice President of the United States passed Dec. 26th, 1823, was read the third time and passed. Ordered, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

A bill entitled an act to repeal in part and amend the several acts now in force relative to the Port and Harbor of Mobile, and an act better to secure the benefit of the laws exempting certain property from execution to poor families of this State, were severally read the third time and passed.

Ordered that they be returned to the House of Representatives.

The bill entitled an act to provide for making deductions from the salaries of public officers who may fail or neglect to perform the duties of their office, was taken up and ordered to be engrossed for a third reading to-morrow.

The Senate took up and resumed the consideration of the bill entitled an act to provide for the arranging, filing, and preservation of the papers relating to the unfinished business of each session of the Legislature.

Mr. Jackson moved to amend the bill by striking out the words "numerical order" and inserting "alphabetical order." which was carried.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

On motion of Mr. Hubbard, ordered that the bill entitled, an act incorporating the Town of Courtland, in the county of Lawrence, lie on the table.

A bill entitled, an act authorising the commissioners of the 16th section, of the 1st Township and 8th Range west of the meridian of Huntsville; situated in the county of Lauderdale, to lease said section for ninety nine years, renewable forever, was read the second time and ordered to a third reading to-morrow.

A bill entitled, an act to alter the boundary line between the counties of Shelby and Autauga, was read the second time and referred to the committee on county boundaries to consider and report thereon.

A bill entitled, an act to emancipate a certain slave therein named, was read the second time and ordered to lie on the table.

A bill entitled an act to incorporate the Blakeley and Greenville Turn-

like company, was read the second time and referred to a select committee consisting of Messrs. Barton, Jones, and Evans, to consider and report thereon. And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 24th, 1827.

The Senate met pursuant to adjournment.

Mr. Skinner presented the petition of sundry citizens of Township six and Range eleven in Franklin County, praying the passage of a law in conformity to an act of Congress authorising the sale of the sixth section in said Township and providing for the investment of the proceeds thereof in Stock of the Bank of the State of Alabama, and for the appropriation of the interest arising from the said stock to the use of schools in said Township, which was read and referred to the committee on schools and colleges to consider and report thereon.

Mr. M'Camy from the committee on propositions and grievances to which was referred the petition of Phebe Gray asked to be discharged from the further consideration thereof, which was agreed to.

Mr. Moore moved that the petition be referred to a select committee, which was lost. Ordered, that it lie on the table.

Mr. Barton from the Judiciary committee to which was referred a bill entitled, an act relative to the satisfaction of executions and the service of warrants, reported the same as amended, which was concurred in.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to which was referred a resolution of the Senate instructing them to report a bill regulating the mode by which the Governor shall exercise the prerogative of granting reprieves and pardons and remitting forfeitures, reported that the committee had instructed him to ask leave of the Senate to be discharged from the further consideration of the subject which was agreed to.

Mr. Hubbard moved that the Resolution be recommitted to a special committee which was carried, whereupon Messrs. Hubbard, Morre, and Jackson, were appointed the committee.

Mr. Barton from the same committee to which was referred a bill entitled, an act to repeal the first section of an act entitled an act requiring the Judges of the Circuit Courts to alternate, reported that it is inexpedient, in the opinion of the committee to pass the bill.

Mr. M'Camy moved that the report together with the bill lie on the table.

Mr. Jackson moved to amend Mr. M'Camys. motion by adding the words "until the first day of April next; and on the question being put, it was determined in the affirmative.

Mr. Barton from the same committee to which was referred so much of the Governor's message as relates to a report of the cases adjudicated in the Supreme Court of this State, reported, that it is inexpedient in the opinion of the committee to legislate upon the subject at present; which was concurred in.

A message was received from the Governor by J. I. Thornton, Secretary of State, informing the Senate that he did on the 1st instant approve and sign an act for the relief of James W. Armstrong which originated in the Senate.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have read three several times and passed, a memorial to the Congress of the United States requesting a postponement of the sales of the public lands in the Tuskaloosa and

Cahawba Districts which originated in the Senate and have amended the same in the manner herewith shown. — In which they desire your concurrence. They have passed bills which originated in their house entitled an act to repeal in part an act passed 27th December 1814; an act to authorise Justices of the Peace to take the Probate of Deeds and the relinquishment of Dower and for other purposes, and an act to revive in part a certain act therein specified. — In all of which they desire your concurrence. Ordered, that the Senate concur in the amendments made by the House of Representatives to the memorial to the Congress of the United States, requesting a postponement of the Sales of the public lands to the Tuscaloosa and Cahawba districts. Ordered that the Secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives, entitled an act to revive in part an act passed 27th December 1814. An act to authorise justices of the peace to take the probate of Deeds and the relinquishment of Dower and for other purposes; and an act to revive in part a certain act therein specified, were severally read the first time and ordered to a second reading to-morrow.

Mr. Crabb introduced a bill to be entitled an act to incorporate the Summerville Philomatheon Society, which was read and ordered to a second reading to-morrow.

An engrossed bill entitled, an act to provide for making deductions from the salaries of public officers who may fail or neglect to perform the duties of their office, was read the third time and passed.

Ordered that the title of the bill be as aforesaid and that it be reported to the House of Representatives for concurrence.

Bills from the House of Representatives entitled, an act prescribing the mode of commencing the contest of certain elections and of procuring evidence therein; An act to authorise the commissioners of the 16th section of the 1st township and 8th range west of the meridian of Huntsville situated in the county of Lauderdale to lease said section for ninety-nine years renewable forever, and an act to provide for the arranging, filing and preservation of the papers relating to the unfinished business of each session of the Legislature, were severally read the third time and passed.

Ordered, that they be returned to the House of Representatives.

A bill entitled, an act authorising Samuel B. Ewing admr. of Thomas Ewing deceased, to sell and transfer certain real estate, was read the second time and ordered to a third reading to-morrow.

Mr. Moore introduced a bill, to be entitled, an act for the benefit of the Pikesville Library Company, which was read and ordered to a second reading to-morrow.

Mr. Skinner presented the account of William Murray, jailor of Franklin County against the State; which was referred to the committee on accounts and claims. And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, December 5th, 1827.

The Senate met pursuant to adjournment.

Mr. Powell presented the account of Hiram P. Cochrane Sheriff of Tuscaloosa County against the State; which was referred to the committee on accounts and claims.

Mr. Barton from the special committee to which was referred the bill entitled an act to incorporate the Blakely and Greenville Turnpike Company, reported the same as amended, which was concurred in.

Ordered, that the bill be read the third time to-morrow.

Mr. Barton from the special committee to which was referred the pe-

tion of Francis Passaino and of Piere Chastang, reported a bill to be entitled, an act to emancipate certain persons therein mentioned; which was read and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have read three times and passed a bill which originated in the Senate entitled, an act for the relief of Pleasant Wright former jailor of Greene county and have amended the same by striking out the second section—In which amendment they desire your concurrence. They have also passed a bill which originated in the Senate entitled an act for the relief of Henry Box. They have also passed bills which originated in their House entitled an act to change the name of and legitimate a certain person therein named: an act to establish a permanent seat of Justice in the county of Henry: An act to divorce Jos^h Cadole from Nancy Cadole: an act to divorce Peggy Seay from Nic^s. Seay: an act to divorce Wm. O. Russell from Nancy G. Russell: an act to divorce Abr^m Danner from Anna Danner: an act to divorce Wm Travis from Elizabeth Travis: an act to divorce Elizabeth Cowell from Sam^l Cowell: In all of which they respectfully desire your concurrence. Ordered, that the Senate disagree to the amendment made by the House of Representative to the bill entitled an act for the relief of Pleasant Wright former jailor of Greene County, by striking out the second section thereof.—Ordered, that the Secretary acquaint the House of Representatives therewith—Bills from the House of Representatives, entitled an act to change the name of and legitimate a certain person therein named: An act to establish a permanent seat of Justice in the county of Henry: An act to divorce Joseph Cadole from Nancy Cadole. An act to divorce Peggy Seay from Nicholas Seay: An act to divorce William O. Russell from Nancy G. Russell: An act to divorce Abraham Danner from Anna Danner: An act to divorce William Travis from from Elizabeth Travis: and An act to divorce Elizabeth W. Cowell from Samuel Cowell, were severally read the first time and ordered to a second reading to-morrow.

An Engrossed bill to be entitled, an act relative to the satisfaction of execution and the service of warrants; was read the third time and on the question being put "Shall the bill pass?" it was determined in the affirmative.—Yeas 11, nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Brown, Crabb, Earle, Hubbard, Jackson, Jones, M'Camy, Merriwether, Moore, Powell, and Skinner.

Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Casey, Evans, Irwin, and Sullivan.

Ordered, that the title of the bill be, an act relative to the satisfaction of executions" and that it be reported to the House of Representatives for their concurrence.

A bill to be entitled, an act to authorise Samuel B. Ewing administrator of Thomas Ewing deceased to sell and transfer certain real estate was read the third time and passed.—Yeas 16, nays 3.

The yeas and nays being desired, those who voted in the affirmative are Mr. Peresident, Abercrombie, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Irwin, M'Camy, Merriwether, Moore, Powell, Skinner, and Sullivan.

Those who voted in the negative are, Messrs. Hubbard, Jackson, and Jones—So the bill was passed.

A bill to be entitled, an act for the benefit of the Pikesville Library Company: and An act to incorporate the Summerville Philomathion society were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, an act to authorise Justices of the peace to take the probate of Deeds and the relinquishment of Dower and for other purposes; was read the second time.

Mr. Hubbard moved that the further consideration of the bill be indefinitely postponed.

Mr. Powell moved that it be referred to the committee on the judiciary to consider and report thereon, which was carried.

A bill to be entitled, an act to repeal in part, an act passed twenty-seventh December 1814; and An act to revive in part a certain act therein specified, were severally read the second time and referred to the committee on the Judiciary to consider and report thereon.

Mr. McCam offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to enquire into the propriety of establishing an office of Discount and Deposit at some point in the Tennessee Valley, with leave to report by bill or otherwise which was adopted.

Mr. Brown introduced a bill to be entitled, an act to change the time of holding the August term of the county court of Jefferson county; also a bill to be entitled, an act to amend an act entitled an act to incorporate the town of Ely on in the county of Jefferson, which were severally read and ordered to a second reading to-morrow.

Mr. Crabb offered the following resolution: *Resolved*, That the committee on Schools and Colleges be instructed to enquire into the expediency of proceeding at this session to select a site for a State University, or sites for State Universities or Colleges, in different sections of the State, with leave to report by bill or otherwise; which was adopted.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, December 6th, 1827.

The Senate met pursuant of adjournment.

Mr. Moore presented the petition of sundry citizens of the county of Marion praying the incorporation of a company of Cavalry in said county; which was read and referred to the military committee to consider and report thereon.

Mr. Casey introduced a bill to be entitled, an act concerning the owners and keepers of Mills and other waterworks; which was read and ordered to a second reading to-morrow.

Mr. Sullivan offered the following resolution: *Resolved*, That the Judiciary committee enquire into the expediency of so amending the laws on the subject of bastardy as to compel any single woman pregnant to make affidavit thereof of the reputed father, or that any Justice of the peace having knowledge of the same may issue his warrant, and that the overseers of the poor having knowledge of such fact, shall make complaint to a Justice of the peace thereof with leave to report by bill or otherwise, which was adopted.

Mr. Crabb from the committee appointed on the part of the Senate to act jointly with a committee appointed on the part of the House of Representatives to examine whether John Davis has safely kept and returned to the proper persons, the state property, which was entrusted to him by a resolution of the last General Assembly reported "that they have made enquiry in relation to the property alluded to in the resolution and can find no data by which they can comply with the requisition of the same than the inventory furnished by John Davis himself, which appears to have been taken on the 20th Jan. 1827 and your committee believe correctly; and the property delivered to the door-keepers of the General Assembly as by him received.

On motion of Mr. Sullivan ordered that the inventory of the property returned by John Davis be entered upon the journals.

The Inventory is as follows:—Inventory of furniture belonging to the State of Vermont taken at Fushkboro on the 20th day of January 1827. 84 Desks (24 of which are without keys) 5 Tables, 100 Chairs, 4 pair Fire dogs, 2 Shovels, 1 pair Tongs, 14 Candlesicks, 3 pair Candle-snuffers, 6 Pitchers, 4 Tumblers, 2 Buckets, 1 Jug, 30 Ink-stands set in cork, 17 Combs do. 1 Red stone do. 2 do. in Britannia, 1 Large Black stove, 2 Sand Boxes.

Mr. Barron offered the following resolution: *Resolved*, that the Judiciary committee be instructed to enquire into the expediency of amending the laws now in force authorising Executors and Administrators to sell real estate in certain cases with leave to report by bill or otherwise, which was adopted.

Mr. Asher introduced a bill to be entitled, an act relative to the duty of grand jurors, which was read and ordered to a second reading to-morrow. Messrs. Hubbard, Manwether, Moore, Sullivan, Casey, and Irwin, who voted in the minority on the passage of the bill entitled, an act for the relief Bushrod W. Bell, waived themselves of their constitutional privilege to shew their reasons upon the journal, for voting against the passage of said bill, which are as follows: The undersigned members of the Senate who voted in the minority on the passage of the following bill: An act for the relief of Bushrod W. Bell.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Vermont in General Assembly convened, That hereafter in all cases where it may be necessary for Bushrod W. Bell, to take the duelling oath prescribed by the act of the Legislature of this State passed January the seventh one thousand eight hundred and twenty six entitled, An act to alter and amend the several acts now in force in this State to suppress the evil practice of duelling the oath shall be so administered as to permit him to swear that he has not violated any of the provisions of law now in force on the subject of duelling since the first day of January one thousand eight hundred and twenty eight.

Sec. 2. And be it further enacted, That the said Bushrod W. Bell be, and he is hereby relieved from all and every disqualification imposed by the existing laws now in force in this State on the subject of duelling; which bill has been passed to relieve Bushrod W. Bell from the operation of existing laws intended to suppress the evil practice of duelling shew here to the public and their constituents the reasons which governed them in their course; in which we will say nothing against the practice of fighting in single combat with deadly weapons—whether it is better for men thus to sport with lives and wholly disregard the dearest interests of families and friends, or whether they should consult those interests and disregard the opinions of self created Judges upon points of honor, are questions which we will not here debate. But we question the policy of this Legislature in passing such laws, can it be good policy in that department of the government which has established rules for the government of the whole; and required such strict obedience thereto on the part of others, to be the first of the public authorities to encourage a violation. We think it cannot—The Legislature of this State has from time to time by its most solemn acts pointed out the crime of deliberate duelling as an offence against the peace and happiness of society of the most dangerous character; and yet when this individual has deliberately committed the crime, we immediately restore him to all the privileges of an unoffending citizen, and, as if we intended now to express our approbation of his conduct, we by the bill give him full license to violate the law with impunity from this time until the first day of January next before he will be again

reduced to that state of obedience to law required from peaceable citizens.

Can such a course of Legislation excite fear in the bosom of the ingovernable, inspire a hope of protection in the weak and helpless, or gain the respect of any class of our citizens?

In our opinion it cannot. The Legislature of this State to express the enormity and public disapprobation of this offence have enacted, that all who commit it, or who are concerned in its commission shall be fined in a large sum of money, imprisoned without bail, and disqualified from holding any office of honor, profit or trust; and least some who commit it might escape punishment and pass with impunity, they have furthermore enjoined it upon all civil officers, to exert the utmost of their power to enquire into the conduct of, and prosecute and punish all offenders and fearing that the injunctions so given might not be a sufficient inducement with those officers to ensure a prompt performance of duty on their part, the Legislature has made any omission to perform that duty an offence for which those officers for bare neglect are to forfeit their office and never hold another: does not such acts of Legislation intimate to society that duelling is a high crime when committed, and that it is almost equally criminal to permit it to go unpunished? And yet shall the members of that very department of government which has given the crime such a hue, act so inconsistently with themselves as to restore the perpetrator unpunished, to all the privileges of a citizen which he so recently and voluntarily forfeited and give him full license to repeat the offence as often as he may choose for nearly one month yet to come. We think the policy a bad one.—We think that, that part of government which holds the responsible station of Law makers, should do no act which has so strong a tendency to countenance the law breakers, and that society would have more confidence in us were we to practice the course which we command others to pursue—we who voted in the minority think that it the good of society requires such rigid promptness in punishing this offence on the part of the other officers of government that we are equally bound with them to do no act which will appear to the world to give it our sanction we think it a duty we owe to those who voted in the majority to say we impute no blame to them. The individual for whose benefit the bill has been passed stands fair in society, and his was a case of great provocation; but we oppose such a course of Legislation from a conviction in our own minds of its impropriety, we think it better for the peace, happiness and good government of society that individual cases of hardship should exist, than that the most salutary rules should be prostrated by acts of the above character, and we give these reasons to the public as a justification of our course.

(Signed)

DAVID HUBBARD,
ZACIH. MERRIWETHER,
JAMES MOORE,
DUNKLIN SULLIVAN,
THOMAS CASEY,
WILLIAM IRWIN,
W. JONES.

Engrossed bills entitled, an act to incorporate the Summerville Philomatheon society; and, an act for the benefit of the Pikesville Library company were severally read the third time and passed.

Ordered, that the titles of the bills be as aforesaid and that they be reported to the House of Representatives for concurrence.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act for the relief of William W. Garrard, and have amended the same by striking out the word "eighteen" and inserting in lieu thereof the word "nine." In which amendment they desire your concurrence.

Ordered, that the Senate concur in the foregoing amendment, and that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act to incorporate the Blakely, and Greenville Turnpike company was read the third time.

Mr. Jones offered the following amendment to the bill by way of Rider "provided nothing herein shall be so construed as to prevent any person from passing any road in the several counties herein named, now opened or which may hereafter be opened agreeable to law.

On motion of Mr. Barton, ordered that the bill together with the amendment lie on the table till tomorrow.

A bill to be entitled an act to amend an act entitled an act to incorporate the town of Elyton in the county of Jefferson passed Dec. 20th 1820, was read the second time and ordered to be engrossed for a third reading tomorrow.

A bill to be entitled, an act to change the time of holding the August Term of the county court of Jefferson County, was read the second time and referred to a special committee consisting of Messrs. Irwin, Casey, and Brown, to consider and report thereon.

A bill to be entitled an act to emancipate certain persons therein mentioned, was read the second time and ordered to lie on the table.

Bills entitled, an act to change the name of and legitimate a certain person therein named: An act to divorce Joseph Cadole from Nancy Cadole; An act to divorce Peggy Seay from Nicholas Seay; An act to divorce William O. Russell from Nancy G. Russell; An act to divorce Abraham Danner from Anna Danner; and, an act to divorce Elizabeth W. Cowell from Samuel Cowell, were severally read the second time and ordered to a third tomorrow.

A bill to be entitled, an act to establish a permanent seat of Justice in the county of Henry was read the second time and referred to a special committee consisting of Messrs. Irwin, Abercrombie, and Jones, to consider and report thereon.

A bill to be entitled, an act to divorce William Travis from Elizabeth Travis, was read the second time.

Mr. Jackson moved to amend the bill by striking therefrom the words "and that the said William be restored to all the rights and privileges of an unmarried man" which was carried. Ordered, that the bill be made the order of the day for a third reading tomorrow.

Mr. Evans offered the following resolution: *Resolved*, That the judiciary committee be instructed to enquire whether it may not be proper to repeal the 11th section of an act, passed the 10th of February 1807 prescribing the mode of taking evidence by deposition of persons living beyond the limits of this State, and that they have leave to report by bill or otherwise; which was adopted.

Mr. Evans also offered the following resolution: *Resolved*, That the committee on county boundaries be instructed to enquire into the expediency of so altering the limits of the county of Wilcox as to make the Alabama river the western boundary line; which was adopted.

Mr. Jackson offered the following resolution: *Resolved*, That the com-

mitted on propositions and grievances be instructed to enquire whether the laws now in force regulating and establishing a standard of weights and measures in each county in this State require amendment, with leave to report by bill or otherwise, which was adopted.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Friday, Dec 7th. 1827.

The Senate met pursuant to adjournment.

Mr Jackson presented the petition of the inhabitants of Township three and Range 12, West of the basis meridian, praying the passage of a law authorising a public sale of the 10th. sections in said Township which was read and referred to the committee on Schools and Colleges and School and College Lands, to consider and report thereon.

Mr. Powell presented the petition of William M. Marr, upon the subject of his being dispossessed of a certain tract of land reserved for the use of Schools in this State before the State acquired any right to the same, which was read and referred to the committee on the judiciary to consider and report thereon.

On motion of Mr. Powell, ordered that Mr. Merriwether have leave of absence from the Senate for the remainder of this week.

An Engrossed bill to be entitled, an act to amend an act entitled, an act to incorporate the Town of Elyton in the county of Jefferson passed December 20th 1820, was read the third time and passed.

Ordered, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

A bill entitled, an act to divorce William Travis from Elizabeth Travis, was read the third time and passed.—Yeas 14. Nays 4.

The yeas and nays being desired on the passage of the bill those who voted in the affirmative are, Mr. President, Abercrombie Barton Brown Crabb Earle Hubbard Irwin Jackson Jones M'Camy Powell Skinner and Sullivan.

Those who voted in the negative are, Messrs. Ashe Casey Evans and Moore. So the bill was passed.

A bill entitled, an act to divorce Elizabeth W. Cowell from Samuel Cowell, was read the third time and passed.—Yeas 13. nays 4.

The yeas and nays being required, those who voted in the affirmative are, Mr. President Abercrombie Barton Brown Earle Hubbard Irwin Jackson Jones M'Camy Powell Skinner and Sullivan.

Those who voted in the negative are, Messrs. Ashe Casey Evans and Moore. So the bill was passed.

A bill to be entitled, an act to divorce Abraham Danmar from Anna Danmar, was read the third time and passed.—Yeas 13. Nays 5.

The yeas and nays being required on the passage of the bill those who voted in the affirmative are, Mr. President Abercrombie Barton Brown Crabb Earle Hubbard Irwin Jones. M'Camy. Powell. Skinner. and Sullivan.—Those who voted in the negative are Messrs. Ashe. Casey, Evans. Jackson and Moore. So the bill was passed.

A bill to be entitled, an act to divorce William O. Russell from Nancy G. Russell, was read the third time and passed.—Yeas 12. Nays 4.

The yeas and nays being required on the passage of the bill those who voted in the affirmative are, Mr. President, Abercrombie Barton Brown, Crabb Earle Hubbard Irwin Jones M'Camy Powell and Skinner.

Those who voted in the negative are, Messrs. Casey, Jackson, Moore, and Sullivan. So the bill was passed.

A bill to be entitled, an act to divorce Peggy Seay from Nicholas Seay, was read the third time and passed.—Yeas 14, Nays 2.

The yeas and nays being desired on the passage of the bill, those who voted in the affirmative are, Mr. President Abercrombie, Barton Brown, Crabb, Earle, Hubbard, Irwin, Jackson, M'Camy, Moore, Powell, Skinner and Sullivan.—Those who voted in the negative are, Messrs. Casey and Jones.

A bill to be entitled, an act to divorce Joseph Cadole from Nancy Cadole, was read the third time and passed.—Yeas 4, Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President Abercrombie, Barton Brown, Crabb, Earle, Hubbard, Irwin, Jackson, Jones, M'Camy, Powell, Skinner and Sullivan.

Those who voted in the negative are, Messrs. Casey and Moore.

A bill to be entitled, an act to change the name of and legitimate a certain person therein named, was read the third time and passed.

A bill to be entitled, an act relative to the duties of Grand Juries; and An act concerning the owner and keepers of mills and other water works, were severally read the second time and referred to the committee on the Judiciary to consider and report thereon.

Ordered, that the bill entitled, an act to incorporate the Blakely, and Greenville Turnpike company be again laid on the table till tomorrow.

A message from the House of Representatives by Mr. Tunstall their clerk. Mr. President—The House of Representatives insist on their amendment to the bill entitled, an act for the relief of Pleasant Wright former jailor of Greene County. They concur in the amendments made by the Senate to bill entitled, an act authorising Samuel B. Ewing administrator of Thomas Ewing deceased, to sell and transfer certain real estate; and an act to repeal in part and amend the several acts now in force relative to the Port and Harbor of Mobile.

They have adopted the following Resolution, in which they desire your concurrence: *Resolved*, That the Senate be invited to assemble in the Representative Hall on Tuesday next at 12 o'clock for the purpose of electing a State Treasurer, a Comptroller of Public Accounts, and an Adjutant General, and that the East end of the Hall be assigned for their reception.

They have passed bills which originated in the Senate entitled, an act to revive and continue in force an act entitled an act to provide for the choosing Electors of President and Vice-President of the United States passed Dec. 26th, 1823, and an act for the relief of William Ferguson, and have amended the latter in the manner herewith shown.—In which they ask your concurrence.

They have also passed bills which originated in their House entitled, an act to appoint commissioners for the county of Dale, and for other purposes; An act to compel Solicitors to reside within their respective circuits: An act to authorise Ansel Sawyer to erect a Mill on Coosa River: and an act supplementary to an act entitled, an act concerning executions and sales by Sheriffs and for other purposes passed Dec. 20th, 1820; and also, a Joint Resolution adopting a plan of the State Capitol.—In all of which they desire your concurrence.

Ordered, that the Senate insist upon their disagreement to the amendment made by the House of Representatives to the bill entitled, an act for the relief of Pleasant Wright former jailor of Greene County.

Ordered, that the Secretary acquaint the House of Repre's. therewith. On motion of Mr. Hubbard; ordered that the Senate disagree to the

amendment made by the House of Representatives to the bill entitled, an act for the relief of William Ferguson. Ordered, that the House be informed thereof.

Mr. McCamy moved to amend the resolution from the House of Representatives, inviting the Senate to assemble in the Representative Hall on Tuesday next at 12 o'clock for the purpose of electing a State Treasurer, a Comptroller of Public Accounts and an Adjutant General by striking out "twelve o'clock," and inserting "two o'clock," which was lost.

Mr. McCamy then moved to amend the Resolution by adding thereto the words "and Solicitors of the 4th, and 5th, circuits," so as to elect the Solicitors at the same time which was carried. The Resolution as amended was then agreed to by the Senate. Ordered, that the Secretary acquaint the House of Representatives therewith.

Bills, and a Joint Resolution from the House of Representatives entitled, an act to appoint commissioners for the county of Dale, and for other purposes; An act to compel Solicitors to reside within their respective circuits; An act to authorise Ansel Sawyer to erect a Mill on Coosa River; An act supplementary to an act entitled, an act concerning executions and sales by Sheriffs and for other purposes passed Dec. 20th 1820; and a Joint Resolution adopting a plan for the State Capitol, were severally read the first time and ordered to a second reading tomorrow.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled. A memorial to the Congress of the United States to postpone the sale of the public lands in Cahawba and Tuscaloosa Districts till the year 1835; which was accordingly signed by the President.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Saturday, Dec. 8th, 1827.

The Senate met pursuant to adjournment.

Mr. Hubbard introduced a bill to be entitled, an act for the further relief of securities, which was read and ordered to a second reading on Monday next.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have read three times and passed bills which originated in their House entitled, an act compelling Clerks of circuit and county courts to calendar the trial causes in their respective courts, and for other purposes; and an act to authorise the people of the county of Bibb to fix the permanent seat of Justice in said county, and for other purposes.—In which they desire your concurrence.

The bills mentioned in the foregoing message were severally read the first time in the Senate and ordered to a second reading on Monday next.

A message from the Governor by J. I. Thornton Esq. Secretary of State.

EXECUTIVE DEPARTMENT, Dec. 7th, 1827.

To the Hon. the President and members of the Senate:

Gentlemen—I beg leave to inform your Honorable body that I have just received the resignation of John G. Creagh Esq. as a member of the Board of Trustees, from the first judicial circuit. I have the honor to be, most respectfully, your ob't serv't,

JOHN MURPHY.

Ordered, that the message lie on the table.

A bill to be entitled, an act to appoint commissioners for the county of Dale, and for other purposes, was read the second time and ordered to a third reading on Monday next.

A Joint Resolution adopting a plan for the State Capitol, was read the second time.

Mr. Jackson moved that the Resolution lie on the table.

Mr. Casey moved to amend the motion by adding the words "till Tuesday next and that the architect be requested to attend in the Senate Chamber for the purpose of making such explanations as may be required of him," which was lost.

On motion of Mr. Powell ordered that the resolution be committed to a committee of the whole and made the order of the day for Monday next; and on Mr. Casey's motion. It was ordered, that the architect be requested to attend in the Senate Chamber on Monday next for the purpose of making such explanations in relation to the plan of the Capitol proposed by him as may be required.

A bill to be entitled, an act to compel Solicitors to reside within their respective circuits, was read the second time.

Mr. H. Boardman moved to amend the bill by striking out the words "Provided that nothing in this act shall be construed to enact any Solicitor now in office."

Mr. Jackson moved that the bill lie on the table till the first day of June next, which was lost. The question was then put on Mr. Hubbard's motion to amend the bill by striking therefrom the *Proviso* above mentioned and determined in the affirmative.

Mr. Casey moved that the further consideration of the bill be indefinitely postponed; which was lost.

Mr. Sullivan offered the following amendment to the bill. "Provided that — months be allowed any Solicitor residing out of the circuit in which he holds his office to remove into the same" which was adopted.

Ordered, that the bill be made the order of the day for a third reading on Monday next.

A bill to be entitled, an act to authorize Ansel Sawyer to erect a Mill on Coo's River; and an act supplementary to an act entitled an act supplementary to an act entitled an act concerning executions and sales by Sheriffs, and for other purposes passed Dec. 20th 1860, were severally read the second time and ordered to a third reading on Monday next.

Ordered, that the bill entitled, an act to incorporate the Blakely, and Greenville Turnpike Company lie on the table till Monday next.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, December 10th, 1867.

The Senate met pursuant to adjournment.

Mr. Abercrombie from the committee on county boundaries, to whom was referred the Resolution of the Senate instructing them to enquire whether or not, the counties of Bibb and Pickens were of less extent than nine hundred square miles each, the quantity of Territory required by the constitution to form a county, reported that the "committee have performed that duty, and find that Bibb County has not its constitutional extent of Territory—but that Pickens County has." Ordered, that the report lie on the table.

A bill entitled, an act to compel Solicitors to reside within their respective circuits, was read the third time.

Mr. Abercrombie moved to fill the blank in the bill relating to the time within which a Solicitor who may reside out of the circuit shall be required to appear in court, and determined in the affirmative.

Mr. Jackson moved that the Further consideration of the Joint Resolution adopting a plan for the State Capitol be postponed till tomorrow, which was carried.

A bill entitled, an act to authorise Ansel Sawyer to erect a Mill on Coosa River; and an act supplementary to an act entitled, an act concerning executions and sales by Sheriffs, and for other purposes, passed Dec. 16th 1820, were severally read the third time and passed.

Ordered, that they be returned to the House of Representatives.

A bill entitled, an act to appoint commissioners for the county of Dale, and for other purposes, was read the second time and ordered to lie on the table till Wednesday next.

A bill to be entitled, an act for the further relief of securities, was read the second time and ordered to be engrossed for a third reading tomorrow.

A bill entitled an act to authorise the people of the county of Bibb to fix the permanent seat of Justice in said county, and for other purposes, was read the second time and ordered to a third reading tomorrow.

A bill entitled, an act compelling Clerks of the circuit and county courts to calendar the trial causes in their respective counties, and for other purposes, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

Ordered, that the bill entitled, an act to incorporate the Blakely, and Greenville Turnpike Company lie on the table till Wednesday next.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives adhere to their amendment to the bill entitled, an act for the relief of Pleasant Wright former jailor of Greene County. They insist on their amendment to the bill entitled, an act for the relief of William Ferguson. They disagree to the amendment made by the Senate to the Resolution proposing to go into the election of a State Treasurer, a Comptroller of Public Accounts; and an Adjutant General, by adding thereto the words "and also a Solicitor of the 4th and 5th Judicial circuits." They concur in the amendment made by the Senate to the bill entitled, an act to divorce William Travis from Elizabeth Travis. They have passed a bill which originated in the Senate entitled, an act to amend an act entitled an act to incorporate the Town of Florence in the Senate of Alabama. They have also passed bills which originated in their House entitled, an act to repeal the first section of an act entitled, an act requiring the Judges of the circuit courts to alternate and for other purpose; An act to authorise the Sheriff of Walker County to execute precepts issued by Justices of the Peace: An act to authorise and require the Sheriff of Greene county to hold a separate sale day at Springfield in said county: An act to divide the 22d Regiment of the Militia of this State; and An act relative to offsets before Justices of the Peace, and for other purposes.—In all of which they desire your concurrence. Ordered, that the Senate recede from their disagreement to the amendment made by the House of Representatives to the bill entitled, an act for the relief of Pleasant Wright former jailor of Greene county.

On motion of Mr. Hubbard, ordered that the Senate adhere to their disagreement to the amendment made by the House of Representatives to the bill entitled, an act for the relief of William Ferguson. Ordered, that the Secretary transmit the House of Representatives therewith.

Ordered, that the Senate recede from their amendment to the Resolution proposing to go into the election of a State Treasurer, Comptroller of Public Accounts and an Adjutant General of

adding thereto the words "and also Solicitors of the 4th and 5th circuits so as to elect the Solicitors at the same time." Ordered that the Secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives entitled, an act to authorise the Sheriff of Walker county to execute precepts issued by Justices of the Peace: An act to authorise and require the Sheriff of Greene county to hold a separate sale day at Springfield in said county: An act to divide the 22d Regiment of the Militia of this State: An act relative to offsets before Justices of the Peace and for other purposes, were severally read the first time and ordered to a second reading to-morrow.

A bill from the House of Representatives entitled, an act to repeal the first section of an act entitled, an act requiring the Judges of the circuit courts to alternate; and for other purposes, was read the first time.

Mr. Jackson moved that the bill lie on the table till the first day of June next, which was carried.

Mr. Sullivan offered the following resolution: *Resolved*, That the committee on county boundaries be instructed to report a bill to the Senate, annexing so much additional territory to Bibb county as will make said county constitutional; the same being reduced below its constitutional limits and the said committee having reported to the Senate that said county is unconstitutional.

Mr. Powell offered the following amendment to the resolution *Provided*, that it shall be satisfactory ascertained, that the inhabitants residing in the section of country thus intended to be attached to the county of Bibb, or a majority of them, shall be in favor of the measure, which was rejected.

Mr. Powell then moved that the Resolution lie on the table, till the first day of the next session.

A call of the House being requested by Mr. Sullivan, and all the members not being present, the Resolution according to a rule of the Senate was laid on the table for one hour.

Mr. Hubbard introduced a bill to be entitled, an act defining the liability of indorsers, and for other purposes, which was read and ordered to a second reading to-morrow.

Mr. Irwin offered the following resolution: *Resolved*, That the committee on the apportionment be instructed to enquire into the constitutionality of authorising one Representative from each county with leave to report by bill or otherwise; which was rejected.

Mr. Jones introduced a bill to be entitled, an act to explain the present laws relating to certain objects of taxation; which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 11th, 1827,

The Senate met pursuant to adjournment.

Mr. Powell presented the petition of sundry persons residing in sections five, six, seven, and eight, in Township 24 Range eight, in Bibb county praying to be added to Tuskaloosa county; which was read and referred to the committee on county boundaries.

Mr. Irwin from the special committee to which was referred the bill entitled, an act to establish the permanent seat of Justice in the county of Henry reported the same without amendment. Ordered, that the bill be made the order of the day for a third reading to-morrow.

Mr. President laid before the Senate, the following communication from the Adjutant General.

ADJUTANT, AND INSPECTOR GENERALS OFFICE.

Tuskaloosa, December 11th, 1827.

To the Hon. the President and members of the Senate:

SIR—I have the honor to enclose herewith the annual report of the strength of the Militia of the State of Alabama so far as I have been furnished with returns. I have the honor to be your ob't serv't,

JOHN B. HOGAN Adjutant & Inspector General.

Ordered, that the communication together with the accompanying document be referred to the Military committee to consider and report thereon.

Mr. Powell presented the petition of sundry citizens of the Town of Tuskaloosa praying an amendment of the act incorporating the town of Tuskaloosa, which was read and referred to a special committee, consisting of Messrs. Powell, Hubbard, and Brown, to consider and report thereon.

Mr. Hubbard introduced a bill to be entitled, an act to amend an act entitled an act to establish the Bank of the State of Alabama, which was read and ordered to a second reading to-morrow.

The Senate resumed the consideration of the Resolution offered yesterday by Mr. Sullivan instructing the committee on county boundaries to report a bill to the Senate annexing so much additional territory to Bibb County as will make it of the size required by the constitution.

The question was put on Mr. Powell's motion to lay the resolution on the table, till the first day of the next Session, and determined in the negative.—Yeas 2, nays 14.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Earle, and Powell.—Those who voted in the negative are, Mr. President, Abernombie, Ashe, Brown, Casey, Crabb, Evans, Hubbard, Jackson, Jones, Merriwether, Moore, Skinner, and Sullivan.

Mr. Jackson offered the following amendment to the Resolution after the words Bibb County "out of the Territory last taken from Bibb County and which reduced it below its constitutional limits."

Mr. Casey moved to amend Mr. Jackson's amendment with the following "Provided it will not reduce any other county below the size required by the constitution" which was adopted.

The question was then put on the adoption of the amendment offered by Mr. Jackson as amended, and determined in the negative. The Resolution as offered by Mr. Sullivan was then adopted.

Mr. Powell presented the petition of sundry citizens of Tuskaloosa County residing in Hills settlement in opposition to being added to Bibb County, which was read and referred to the committee on county boundaries. Ordered, that the Joint Resolution adopting a plan for the State Capitol, lie on the table till 10 o'clock to-morrow.

An engrossed bill to be entitled, an act for the further relief of securities, was read the third time and passed. Ordered, that the title of the bill be as aforesaid and that it be reported to the House of Representatives for concurrence.

A bill to be entitled, an act to authorise the people of Bibb County to fix the permanent seat of Justice in said county and for other purposes was read the third time and passed.

A bill to be entitled, an act to explain the law relating to certain objects of taxation; and an act defining the liability of endorsers, and for other purposes, were severally read the second time and referred to the committee on the Judiciary to consider and report thereon.

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A bill to be entitled, an act to authorize and require the Sheriff of Greene county to hold a separate sale day at Springfield in said county, was read the second time and ordered to lie on the table.

A bill to be entitled, an act to authorize the Sheriff of Walker county to execute precepts issued by Justices of the Peace, was read the second time. Mr. Irwin moved to amend the bill by adding the counties of "Dale and Covington" so as to provide that the Sheriffs of those counties shall execute process issued by Justices of the Peace, which was carried.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

A bill to be entitled, an act to divide the 22d Regiment of the Militia of this State, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled, an act relative to offsets before Justices of the Peace and for other purposes, was read the second time and referred to the committee on the Judiciary, to consider and report thereon.

Mr. Powell from the joint committee on enrolled bills, reported as correctly enrolled, An act to revive and continue in force, an act entitled, an act to provide for the choosing electors of President and Vice President of the United States passed Dec. 26th 1823: An act for the relief of William W. Garrard: and An act for the relief of Henry Box—all of which were accordingly signed by Mr. President.

A message was received from the House of Representatives by Mr. Tunstall their clerk inviting the Senate to assemble in the Representative Hall for the purpose of going into the election of a Comptroller of Public Accounts, a State Treasurer, and an Adjutant General, whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken their seats Mr. President arose and declared the object of the meeting when the two Houses proceeded to the election of a Comptroller of Public Accounts. Samuel Pickens alone bring in nomination.

For Samuel Pickens 77, votes.—Those who voted for Mr. Pickens are,

Mr. President, Abercrombie, Ashe, Barlow, Brown, Casey, Earle, Evans, Hubbard, Irwin, Jackson, Jones, M'Cany, Merriwether, Moore, Powell, Skinner, and Sullivan of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Collier, Conner, Cook, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, Massey, McRae of Mon. M'Rae of Frank, Moore of Jack, Moore of mad, Perkins, Price, Rainey, Rather, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Watball, Ward, Weisinger, Wiggins.

Mr. Pickens having received a majority of all the votes given was declared duly and constitutionally elected Comptroller of Public Accounts for the ensuing twelve months.

Both Houses then proceeded to the election of a State Treasurer John C. Perry being in nomination. For John C. Perry 78, votes.

Those who voted for Mr. Perry were the same with those who voted for Mr. Pickens with the addition of Mr. Crabb of the Senate.

John C. Perry having received a majority of all the votes given was declared duly and constitutionally elected State Treasurer, for the ensuing twelve months.

Both Houses then proceeded to the election of an Adjutant General,

John B. Hogan, Calvin C. Morgan and James G. Carroll being in nomination. For John B. Hogan 29 votes.—For Calvin C. Morgan 21, votes.—For James G. Carroll 29, votes.

Those who voted for Mr. Hogan are, Messrs. Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Merriwether, Moore, Powell, Sullivan of the Senate, Mr. Speaker, Conner, Cook, Dennis, Greening, Jack, Lawler, M'Rae of mon. Perkins, Ross, Sibley, Smith of clark, Stone, Terry, Walker, Walthal, Wiggins, 29.

Those who voted for Mr. Morgan are, Messrs. Ashe, Jackson, Jones, M'Canry of the Senate, Messrs. Anderson, Bradford, Bonnell, Collier, Daniel, Davis, Ellis, Kelly, Lewis, M'Vay of Law. Massy, Moore of mad. Price, Rainey, Russell, Vaughan, Ward, 21.

Those who voted for Mr. Carroll are, Mr. President, Abercrombie, Skinner of the Senate, Mr. Acklen, Bell, Brown, Broadnax, Bridges, Clark, Craig, Durrett, Duke, Edmondson, Forrest, Harris, Higgins, Martin, M'Vay of Laud, M'Rae of Frank, Moore of Jack, Rather, Richardson, Robertson, Sargent, Sharp, Smith of mad. Tarver, Vining, Weisinger, 29.

No one of the candidates having received a majority of votes, Both Houses then proceeded again to the election of an Adjutant General the same gentlemen being in nomination.—For Mr. Hogan 29 votes.—For Mr. Morgan 19.—For Mr. Carroll 31.

Those who voted for Mr. Hogan are, Mr. Barton, Brown, Casey, Earle, Evans, Hubbard, Irwin, Merriwether, Moore, Powell, Sullivan of the Senate, Mr. Speaker, Conner, Cook, Dennis, Greening, Jack, Lawler, M'Rae of mon. Perkins, Ross, Sibley, Smith of clark, Stone, Terry, Walker, Walthal, Ward, Wiggins, 29.

Those who voted for Mr. Morgan are, Messrs. Ashe, Crabb, Jones, M'Canry of the Senate, Mr. Acklen, Anderson, Bradford, Bonnell, Davis, Ellis, Kelly, Lewis, M'Vay of Laud, Massy, Moore of mad. Price, Rainey, Russell, Vaughan, 19.

Those who voted for Mr. Carroll are, Mr. President, Abercrombie, Jackson, Skinner of the Senate, Mr. Bell, Brown, Broadnax, Bridges, Clark, Collier, Craig, Daniel, Durrett, Duke, Edmondson, Forrest, Harris, Higgins, Martin, M'Vay of Laud, M'Rae of frank, Moore of Jack, Rather, Richardson, Robertson, Sargent, Sharp, Smith of mad. Tarver, Vining, Weisinger, 31 votes.

No one of the candidates having received a majority of votes both Houses proceeded again to the election of an Adjutant General the same gentlemen being in nomination. For Mr. Hogan 31.—For Mr. Morgan 12.—For Mr. Carroll 36.

Those who voted for Mr. Hogan are, Messrs. Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jones, Merriwether, Moore, Powell, Sullivan of the Senate, Messrs. Speaker, Anderson, Conner, Cook, Dennis, Greening, Lawler, Perkins, Ross, Sibley, Smith of clark, Stone, Terry, Walker, Walthal, Ward, Wiggins, 31.

Those who voted for Mr. Morgan are, Messrs. Acklen, Bradford, Bonnell, Davis, Jack, Kelly, Lewis, Massy, M'Rae of mon. Moore of mad. Price, Russell, 12.

Those who voted for Mr. Carroll are, Mr. President, Abercrombie, Jackson, M'Canry, Skinner of the Senate, Messrs. Bell, Brown, Broadnax, Bridges, Clark, Collier, Craig, Daniel, Durrett, Duke, Ellis, Edmondson, Forrest, Harris, Higgins, Martin, M'Vay of Laud, M'Vay of

Law, M'Rae of Frank, Moore of Jack, Rainey, Rather, Richardson, Robertson, Sargent, Sharp, Smith of mad, Tarver, Vaughan, Vining, Weisinger, 36 votes.

No one of the candidates having received a majority of votes both Houses then proceeded again to the election of an Adjutant General, the same gentleman being again in nomination. For Mr. Hogan 32.—For Mr. Morgan 3.—For Mr. Carroll 44.

Those who voted for Mr. Hogan are, Mr. Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jones, Merriwether, Moore, Powell, Sullivan of the Senate, Mr. Speaker, Anderson, Conner, Cook, Dennis, Greening, Jack, Lawler, Perkins, Ross, Sibley, Smith of Clark, Stone, Terry, Walker, Walthal, Ward, Wiggins, 32.

Those who voted for Mr. Morgan are, Messrs Kelly, M'Rae of mon. and Moore of mad.

Those who voted for Mr. Carroll are, Mr. President, Abercrombie, Jackson, M'Camy, Skinner of the Senate, Messrs. Acklen, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Collier, Craig, Daniel, Davis, Durrett, Duke, Ellis, Edmondson, Forrest, Harris, Higgins, Lewis, Martin, M'Vay of Land, M'Vay of Law, Massy, M'Rae of Frank, Moore of Jack, Price, Rainey, Rather, Richardson, Robertson, Russell, Sargent, Sharp, Smith of mad, Tarver, Vaughan, Vining, Weisinger, 44, votes. Mr. Carroll having received a majority of votes Mr. Speaker therefore declared him duly and constitutionally elected Adjutant General of the State of Alabama for the ensuing four years.

The elections being completed the Senate withdrew returned to their own chamber and Mr. President resumed the chair, when on motion the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, December 12th, 1827.

The Senate met pursuant to adjournment.

Mr. Hubbard from the committee on the State Capitol, submitted the following report: "The committee on the State Capitol, who by two several Resolutions of this House, were instructed to obtain from the Architect for the state an estimate of the probable cost of a building according to the plan of the State House adopted at the last session of the Legislature, also to obtain from said Architect a suitable plan for a State House which should be nearest in amount of cost to the amount of the appropriation of the last session of the Legislature, have performed that duty and herewith respectfully present the plans and estimates of cost of materials &c. furnished by said Architect. Your committee have examined the plan proposed under the second resolution and find it in their opinion too contracted for the convenience and accommodation of the Legislature. They have required the Architect to enlarge the plan of said building, better to suit the purposes of the state and to furnish the committee for the information of this House, such enlarged plan, together with the estimated cost of enlargement.—All of which are herewith submitted, and the adoption of the plan thus enlarged is hereby unanimously recommended by your committee. Signed) D. HUBBARD. Chairman of the committee on Public Buildings.

Ordered, that the report together with the plan submitted by the committee lie on the table.

Mr. Powell from the joint committee on enrolled bills, reported as correctly enrolled, An act prescribing the mode of commencing the contest of certain elections, and of procuring evidence therein: An act to repeal is

part and amend the several acts now in force relative to the Port and Harbor of Mobile: An act authorising Samuel B. Ewing Administrator of Thomas Ewing deceased, to sell and transfer certain real estate: An act to extend the corporate limits of Bellefont: An act for the relief of Bushrod W. Bell: An act to authorise the commissioners of the 16th section of the first Township and Eighth Range west of the meridian of Huntsville; situated in the county of Lauderdale, to lease said section for ninety-nine years, renewable forever: An act better to secure the benefit of the laws exempting certain property from execution to poor families of this State: An act to provide for the arranging, filing and preservation of the papers relating to the unfinished business of each session of the Legislature: An act to incorporate the Town of Blountsville in the county of Blount; and An act authorising a lottery for the benefit of Cyrus Chapter No. 6, of Royal Arch Masons and Florence Lodge No. 11, of Ancient Free Masons in the Town of Florence—All of which were accordingly signed by Mr. President.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives concur in the amendment made by the Senate to the bill entitled, an act to compel Solicitors to reside within their respective circuits.

Mr. Hubbard from the committee on the Judiciary to which was referred a bill to be entitled, an act to authorise Isham R. Houze to bring into this state the slaves of Susan B. Houze, reported the same as amended, which was concurred in.

Ordered, that the bill lie on the table till to-morrow.

Mr. Hubbard from the same committee to which was referred the bill entitled, an act to authorise Justices of the Peace to take the probate of Deeds and the relinquishment of Dower and for other purposes, reported that it is inexpedient in the opinion of the committee to pass the bill, which was disagreed to. Ordered that the bill be made the order of the day for a third reading to-morrow.

Mr. Hubbard from the same committee to which was referred the bill entitled, an act to organize and establish circuits courts in Dale county and for other purposes reported, the same as amended; which was concurred in. Ordered that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Hubbard from the same committee to which was referred a bill entitled, an act relative to the duties of Grand Juries, reported the same without amendment. Ordered that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Casey presented the report of the commissioners appointed by a Resolution of the last Session of the General Assembly to ascertain and report the damages which the lot holders who bought at the first sale of Lots in the Town of Cahawba have sustained in the diminished value of their property, by the removal of the Seat of Government from said Town; which was read. Ordered that the report lie on the table and that one hundred copies thereof be printed for the use of the Senate.

Mr. Casey also presented the certificate of sundry persons relating to the above mentioned subject of the Cahawba Lots; which was laid on the table. Ordered, by the Senate that the Joint Resolution adopting a plan for the State Capitol lie on the table till to-morrow.

Ordered, that the bill entitled, an act to incorporate the Blakeley and Greenville Turnpike Company lie on the table till to-morrow.

The bill entitled, an act to appoint commissioners for the county of Dale and for other purposes, was taken up, amended by way of Rider on on Mr. Irwin's motion and passed.

A bill entitled, an act to authorise the Sheriff of Walker county to execute precepts issued by Justices of the Peace, was read the third time and passed. Ordered that the title of the bill be "An act to authorise the Sheriffs of Walker, Dale & Covington, counties to execute precepts issued by Justices of the Peace." Ordered that the Secretary acquaint the House of Representatives therewith.

A bill entitled, an act to divide 2d Regiment of the militia of this State, was read the second time and ordered to lie on the table till to morrow.

A bill to be entitled, an act to establish a permanent seat of Justice in the county of Henry, was read the third time and passed.

A bill to be entitled, an act to amend an act entitled an act to establish the Bank of the State of Alabama, was read the second time. Ordered that the bill be referred to the standing committee on the State Bank with instructions to enquire what further, if any, amendments be necessary to the Charter of said Bank.

Mr. Hubbard from the special committee to which was referred so much of the Governor's message as relates to the existing state of distress and embarrassment submitted the following report:—

"The committee to whom was referred that part of his Excellency the Governor's message which relates to individual distress and embarrassment now too general in the county have had the matter under consideration. Fully impressed with the responsible task assigned them of proposing to this Legislature some plan intended for the relief of the suffering part of our community and thereby incurring the blame of all who may doubt the expediency or disapprove of the plan proposed, or on the other hand, of turning a deaf ear to suffering and distress, and witnessing the ruin of so great a number of our most useful citizens." Your committee have preferred to risk the former, in the hope of the attainment of an end so desired as the latter.—In the doing of which, Your committee will only point at the most prominent causes of the evils complained of, and propose for consideration a remedy, which if not the best, it is hoped may be improved by the wisdom of this House. To look at human misery and distress, under any circumstance is painful; but how must our sympathies be increased, when distress and suffering become general with a community who are in no wise to blame; whose embarrassment was not created by extravagance or increased by folly; whose best planned schemes and honest exertions have been frustrated by an overruling providence added to other causes over which they could not exercise control? For the two last planting seasons a portion of the citizens of Alabama have been visited with droughts, the most blighting in their effects, not half crops have been made, and of the scanty supply thus raised, half the usual price can scarcely be obtained; and add to this (already overwhelming cause) the circumstance of the failure of one of the Banks of the State, which had furnished so large a portion of our circulating medium, and your committee think they have pointed at the true causes of embarrassment, with which our citizens now have to contend, not attributable to want of foresight or industry, and over which the energies of an industrious and economical people will, it assisted speedily triumph—but if left without assistance may suffer losses and privations, which years of hardships and trial will not repay.

Your committee beg leave to recommend the passage of a law which will enable the State to borrow, if it can be done at a low rate of interest a sum from one to two hundred thousand dollars to be added to and form a part of the Capital of the State Bank, upon which the Bank may increase its loans and put into circulation with safety to the State, security to the institution itself, and on accomodating terms to the borrower, a sum of money which will supply in part the present want of a circulating medium; and thus prevent the sacrifice of property; and enable a large portion of our worthy and valuable citizens to save their property from ruin and families from distress. It may be objected; that to offer inducements to borrow money many would go into Bank without prudence or ability to meet their engagements and that innocent securities would thereby suffer. — This it is admitted, would sometimes be the case but not often; and when on such case might happen, we believe one hundred would be relieved: Men would not however borrow money for the purchase of the luxuries of life. They would only resort to such a course to enable them to retain their property from sacrifice, property, which cost them years of most anxious labour to acquire, and which they are now doomed to sacrifice to enable them to pay perhaps, a very small part of the very debt created by its purchase, in times of more prosperity.

In recommending this measure, your committee are not without precedent which experience has proved beneficial; nor have they any thing to apprehend from the test of sober reason. The State of New York borrowed money to loan to its citizens in time of need and divided it out among the different counties; and we now see the people of that state, a flourishing, prosperous and happy people. Doctor Franklin was so sensible of the value of money to the borrower when well used, that he left a considerable portion of his estate to be loaned to poor industrious mechanics to enable them to make a beginning. Had his experience proved it demoralising or dangerous to their prosperity, he never would have made such a disposition of his property. Every day's practice in life shews us that a very large portion of prudent men who borrow money at a low rate of interest prosper by it and shall we not (if in our power) afford to our citizens (now in the greatest need) the means of relief which experience has found both safe and convenient? If it is said, there is danger in the experiment, your committee refer to the success of our State Bank, which has answered the highest expectations of its friends. They believe the necessities of the people of the state require an increase of the circulating medium to the extent set forth above and they further believe that the resources of the state and industry of its citizens will warrant the measure proposed as both safe and beneficial. Your committee in presenting their views, cannot overlook a further cause of distress, which will fall upon a large portion of our citizens, who were indebted to the Tombekko Bank; which Bank has, as your committee are informed and believe, transferred their notes to a very large amount to the United States, which debts will be speedily sued for in the courts of some adjoining State, the District Judge being President of said Bank, and the citizens who are debtors to the Bank, will be shortly compelled to pay specie without any other resources than the now limited circulating medium of this state will afford—All of which is respectfully submitted.

(Signed) DAVID HUBBARD, Chairman of the committee.

Mr. Hubbard then reported a bill to be entitled, an act to increase the Capital of the Bank of the State of Alabama which was read.

Ordered, that the report together with the bill lie on the table and fifty copies of each be printed for the use of the Senate.—And then the Senate adjourned till to-morrow at 10 o'clock.

Thursday, December 13th, 1827.

The Senate met pursuant to adjournment.

Mr. Barton presented the account of Samuel F. Bloomfield former tax collector, of Washington county against the State; which was referred to the committee on accounts and claims.

The Senate resumed the consideration of the bill entitled, an act to incorporate the Blakeley and Greenville Turnpike Company; the question was put on the adoption of the amendment heretofore offered by Mr. Jones to the bill and determined in the negative. The question was then put "Shall the bill pass?" and determined in the affirmative.

Ordered, that the bill be returned to the House of Representatives.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, An act supplementary to an act entitled, an act to alter and amend the Charter of Incorporation of the City of Mobile: An act to change the name of and legitimate a certain person therein named: An act to divorce Joseph Cadole from Nancy Cadole: An act to divorce Elizabeth W. Cowell from Samuel Cowell: An act to divorce Abraham Damar from Anna Damar: An act to divorce William Travis from Elizabeth Travis: An act to divorce Peggy Seay from Nicholas Seay; An act to divorce William O. Russell from Nancy G. Russell; An act for the relief of Pleasant Wright former jailor of Greene County; and An act to amend an act entitled, an act to Incorporate the Town of Florence in the State of Alabama, all of which were accordingly signed by Mr. President.

An engrossed bill to be entitled, an act relative to the duties of Grand Juries; and An act to organize and establish a Circuit Court in Dale County and to arrange the counties of the first, second, and sixth Judicial Circuits, were severally read the third time and passed.

Ordered, that the title of the bills be as aforesaid and that they be reported to the House of Representatives for concurrence.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have passed a bill which originated in the Senate entitled, an act to amend an act entitled an act excluding from suffrage, serving as Jurors, and holding offices, such persons as may be convicted of bribery, forgery and other high crimes and misdemeanors. They have adopted the following Resolution in which they desire your concurrence. *Resolved*, with the concurrence of the Senate that the two Houses will on this day at half past 2 o'clock P. M. go into the election of Solicitors of the 4th and 5th Judicial Circuits in this State, and also a Judge of the County court of Washington County. They have read three several times and passed bills which originated in their House entitled, Memorial to the Congress of the United States on the subject of the extension of the Federal Judiciary system so as to admit the States received into the Union, since the last extension thereof to a participation of its benefits; An act to revive and continue in force an act passed 31th day of Dec. 1822, entitled, an act to Incorporate the Town of Jonesborough in the county of Jefferson; Joint Resolutions requiring the Comptroller of Public Accounts, to furnish the Tax collectors and County Court Clerks with a certified copy of the Revenue Law of this State: An act to amend an act to authorise Clerks and Magistrates to collect costs in certain cases. In all of which they desire your concurrence.

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The House adhere to their amendment to the bill entitled, an act for the relief of William Ferguson.

Mr. M'Camy moved to amend the Resolution from the House of Representatives proposing to go into the election of Solicitors of the 4th and 5th Judicial Circuits and a Judge of the County Court of Washington County this day at half past 2 o'clock P. M. by striking out the word "Solicitor of the 4th Circuit;" which was lost. The Resolution was then agreed to by the Senate. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Hubbard moved that a committee be appointed on the part of the Senate, to confer with such committee as may be appointed by the House of Representatives, upon the subject matter of disagreement between the two Houses, in relation to the amendment made by the House, to the bill entitled, an act for the relief of William Ferguson; which was carried—whereupon Messrs. Hubbard, and Brown, were appointed the committee on the part of the Senate. Ordered that the Secretary acquaint the House of Representatives therewith.

A memorial to the Congress of the United States on the subject of the extension of the federal Judiciary system so as to admit the States received into the Union since the last extension thereof to a participation of its benefits; An act to revive and continue in force an act passed 31st day of Dec. 1822, entitled, an act to incorporate the Town of Jonesborough in the County of Jefferson.

Joint Resolutions requiring the Comptroller of Public Accounts to furnish the Tax Collectors and county court clerks with a certified copy of the revenue law of this State; and An act to amend an act to authorise Clerks and Magistrates to collect costs in certain cases, were severally read the first time and ordered to a second reading to-morrow.

A bill to be entitled, an act to divide the 22d Regiment of the militia of this State, was read the third time, amended by way of Rider on Mr. Casey's motion and passed. A bill entitled, an act to authorise Justices of the Peace to take the probate of Deeds and the relinquishment of Dower, and for other purposes, was read the third time and on the question being put, "Shall the bill pass?" it was determined in the negative.—Yeas 9, Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Abercrombie, Brown, Casey, Irwin, M'Camy, Moore, Powell, Skinner, and Sullivan.

Those who voted in the negative are, Mr. President, Ashe, Barton, Earle, Evans, Hubbard, Jackson, Jones, Merriwether, and Shackelford.

So the bill was rejected.

A bill entitled, an act to authorise Isham R. Houze to bring to this State the slaves of Susan B. Houze was taken up, read the third time and passed. Ordered that it be returned to the House of Representatives.

The Senate according to order Resolved itself into a committee of the whole on the Joint Resolution adopting a plan for the State Capitol—Mr. Sullivan in the chair—and after some time spent in the consideration thereof, the committee rose,—Mr. President resumed the chair and Mr. Sullivan reported the Resolutions amended; which was concurred in.

Mr. Casey offered the following amendment to the Resolution. "And be it further Resolved, That the committee shall make the contracts so as not to exceed the estimate of cost furnished by the Architect, that is to say fifty-five thousand dollars."—Mr. Powell moved to amend Mr. Casey's

amendment with the following "or as near that amount as will enable them fully to complete the said State Capitol according to the plan adopted" which was rejected.—Yeas 5, nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Brown, Earle, Jackson, and Powell.

Those who voted in the negative are, Messrs. Abercrombie, Ashe, Barton, Casey, Evans, Hubbard, Irwin, Jones, M'Camy, Merriwether, Moore, Shackelford, Skinner, and Sullivan.

The question was then put on the adoption of the amendment offered by Mr. Casey and determined in the affirmative—The Joint Resolution as amended was then read the third time and passed. Ordered that the Secretary inform the House of Representatives thereof.

A message was received from the Governor informing the Senate that he did on this day approve and sign. A memorial to the Congress of the United States to postpone the sales of the public lands in the Canawba and Tuscaloosa Districts till the year 1829, which originated in the Senate.

And then the Senate adjourned till 2 o'clock this evening.

Evening Session.

A message was received from the House of Representatives by Mr. Tunstall their clerk inviting the Senate to assemble in the Representative Hall for the purpose of electing Solicitors of the 4th and 5th Judicial Circuits and a Judge of the county court of Washington County—whereupon the members of the Senate repaired to the Representative Hall and having taken their seats, Mr. President arose and announced the object of the meeting when the members of both Houses proceeded to the election of a Solicitor of the 4th Judicial Circuit, Joshua L. Martin alone being in nomination. For Joshua L. Martin 75 votes.

Those who voted for Mr. Martin are,

Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Earle, Evans, Hubbard, Irwin, Jackson, Jones, McCamy, Merriwether, Moore, Powell, Shackelford, Skinner, of the senate. Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Colgin, Collier, Conner, Cook, Craig, Daniel, Davis, Dennis, Darneth, Duke, Ellis, Edmondson, Forrest, Greering, Harris, Higgins, Jack, Kelly, Lawler, Lewis, M'Vay of Laud, M'Vay of Law, Mussey, M'Rae of mon, M'Rae of Frank, Moore of mad, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of clark, Smith of mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Ward, Wiggins 75 votes.

Joshua L. Martin having received all the votes present, Mr. Speaker therefore declared him duly elected Solicitor of the fourth circuit.

Both Houses then proceeded to the election of a Solicitor of the 5th Judicial Circuit, James M. M. White, Samuel D. Moore and Joseph Eastland being in nomination.

For James M. M. White 43 votes, For Samuel D. Moore 36, For Joseph Eastland 1 vote.

Those who voted for Mr. White are,

Mr. President, Abercrombie, Barton, Crabb, Earle, Irwin, Jackson, Jones, Powell, Shackelford of the senate. Mr. Acklen, Bell, Broadnax, Bonnell, Collier, Cook, Craig, Daniel, Darneth, Edmondson, Harris, Jack, Lawler, Lewis, Martin, M'Rae of mon, Moore of mad, Perkins, Rather, Ross, Robertson, Russell, Sharp, Sibley, Smith of clark, Smith of mad, Stone, Tarver, Vaughan, Vining, Walther, Ward, 43.

Those who voted for Mr. Moore are,

Mr. Ashe, Brown, Casey, Evans, Hubbard, M'Camy, Merriwether, Moore, Skinner, Sullivan of the senate, Mr. Speaker, Anderson, Brown, Bridges, Clark, Colgin, Conner, Davis, Dennis, Duke, Ellis, Forrest, Higgins, Greening, McVay of Land, McVay of Law, Massey, M'Rae of Frank, Price, Rainey, Richardson, Sargent, Terry, Walker, Weisinger, Wiggins, 86.

M. K. Ily. voted for Mr. Eastland

Mr. White having received a majority of votes Mr. Speaker therefore declared him duly and constitutionally elected Solicitor of the 5th Judicial Circuit.

Both Houses then proceeded to the election of a Judge of the County Court of Washington, Josiah D. Lister being in nomination.

Those who voted for Mr. Lister are.

Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Crabb, F. C. Evans, Hubbard, Irwin, Jackson, Jones, M'Camy, Merriwether, Moore, Powell, Shackelford, Skinner, Sullivan of the Senate, Mr. Speaker, Aden, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Craig, Danniell, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Rae of mon, M'Rae of Frank, Moore of mad, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthal, Ward, Weisinger, Wiggins, 80.

Mr. Lister having received a majority of votes Mr. Speaker therefore declared him duly elected Judge of the county court of Washington County.

The elections being completed the Senate withdrew, returned to their own chamber, and Mr. President resumed the chair, when on motion the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, Dec. 14th, 1827.

The Senate met pursuant to adjournment.

Mr. Moore presented the petition of sundry persons of Fayette County upon the subject of forming a militia company in a certain part of said county; which was referred to the military committee to consider and report thereon.

Mr. Jackson presented the memorial of the commissioners appointed by an act of the last Session of the Legislature to receive subscriptions for the stock of the muscle shoals canal company, praying certain amendments in the act incorporating said company; which was read, and referred to the committee on Inland Navigation to consider and report thereon.

Mr. Jackson also presented the petition of Christopher Cheatham and others praying the passage of a law authorising the cutting of a Ditch in Lauderdale County to drain a certain swamp; which was read, and referred to the committee on proposition and grievances to consider and report thereon.

Mr. Abercrombie from the committee on county boundaries to which was referred the bill entitled, An act to alter the boundary line between the counties of Shelby and Autauga, reported the same as amended, which was concurred in. Ordered, that the bill as amended be made the order of the day for a third reading to-morrow.

A bill entitled, an act to amend an act to authorise Clerks and Magistrates to collect costs in certain cases, was read the second time and ordered to a third reading to-morrow.

A Joint Resolution requiring the Comptroller of Public Accounts to furnish the Tax-collectors and county court clerks with a copy of the revenue law, of this State was read the second time and ordered to lie on the table till to-morrow.

A bill to be entitled, an act to revive and continue in force an act passed Dec. 31th, 1822; entitled, an act to incorporate the Town of Jonesborough in the county of Jefferson, was read the second time and referred to a special committee consisting of Messrs. Brown, Merriwether, and Jones, to consider and report thereon.

Memorial to the Congress of the United States on the subject of the extension of the federal Judiciary system so as to admit the States received into the Union since the last extension thereof to a participation of its benefits, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

Mr. Abercrombie from the committee on county boundaries to which was referred the petition of sundry inhabitants of a part of Walker County, praying to be added to Lawrence County, asked to be discharged from the further consideration of the petition; which was agreed to by the Senate.

Mr. Jackson from the committee on the State Bank to which was referred so much of the Governor's message as relates to the Bank, asked to be discharged from the further consideration of the reference; which was agreed to.

A message from the House of Representatives by Mr. Tunstall their clerk—Mr. President, the House of Representatives concur in the amendments made by the Senate to the bill entitled, an act to appoint commissioners for the county of Dale and for other purposes.

They also concur in the amendments made by the Senate to the bill entitled, an act to authorise the Sheriff of Walker County to execute precepts issued by Justices of the Peace. They concur in the appointment of a committee of conference upon the subject matter of disagreement between the two Houses in relation to the amendment made by the House of Representatives, to the bill entitled, an act for the relief of William Ferguson, and have appointed on their part Messrs. Daniel, Craig, and Sharp. They also concur in the amendment made by the Senate to the bill entitled, an act to divide the 22d Regiment of the militia of this State. They also concur in the amendment made by the Senate to the bill entitled, an act to authorise Ashan R. Houze to bring to this State the slaves of Susan B. Houze.

The following communication was received from the Governor by J. I. Thornton Esq. Secretary of State.

EXECUTIVE DEPARTMENT,

To the Hon. the President and members of the Senate:

Gentlemen—I have the pleasure herewith to transmit you a communication from the Board of Trustees, recommending the location of the University of Alabama.

I have the honor to be, your ob't serv't,

JOHN MURPHY.

Mr. Casey moved that the communication together with the accompanying document lie on the table; which was lost.—yeas 6, nays 18.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Abercrombie, Ashe, Casey, Irwin, Shackelford, and Sullivan.

Those who voted in the negative are, Mr. President, Brown, Crabb, Earle, Evans, Hubbard, Jackson, Jones, McCamy, Merriwether, Moore, Powell, and Skinner.

On motion of Mr. Jackson ordered, that the communication from the Governor together with the accompanying document be referred to the committee on Schools and Colleges and School and College lands to consider and report thereon.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, Dec. 15th, 1847.

The Senate met pursuant to adjournment.

Mr. Barton from the Judiciary committee to whom was referred the Report of the President and Directors of the Bank of the State of Alabama in relation to the purchase of a Lot and the erection of a Banking House thereon for the use of the Bank Reported "as the opinion of the committee, that the President and Directors have authority under the act establishing the Bank to purchase and hold real estate, and to build a Banking House for the use and accommodation of the said Bank."

On motion of Mr. Casey ordered that the report lie on the table.

Mr. Barton from the same committee to whom was referred a bill to be entitled, an act concerning the owners and keepers of Mills and other water works, reported the same without amendment.

Ordered, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr. Barton from the same committee to whom was referred a resolution of the Senate instructing them to enquire into the expediency of amending the laws on the subject of Bastardy, reported that it is inexpedient, in the opinion of the committee to Legislate further on that subject which was concurred in.

Mr. Barton from the same committee to whom was referred a Resolution of the Senate instructing them to enquire into the expediency of inflicting suitable penalties upon Justices of the Peace, who refuse to pay over money when collected by them reported, that the existing enactments are deemed sufficient by the committee, and that it is therefore inexpedient to Legislate further on that subject; which was concurred in.

Mr. Barton from the same committee, to whom was referred a Resolution instructing them to enquire whether it may not be proper to repeal the 11th section of an act passed the 10th February 1807, prescribing the mode of taking evidence by depositions of persons living beyond the limits of this State reported, that it would be inexpedient in the opinion of the committee, to repeal the said section.

And the question being put on concurring in said report it was determined in the affirmative.—Yeas 13, nays 5.

The yeas and nays being desired, those who voted in affirmative are, Mr. President, Ashe, Barton, Brown, Crabb, Earle, Hubbard, Irwin, Jackson, Merriwether, Moore, Powell, and Skinner.

Those who voted in the negative are, Messrs. Abercrombie, Casey, Evans, Jones, and M'Camy, So the report was concurred in.

Mr. Barton from the same committee to whom was referred a bill entitled, an act more effectually to prevent frauds and fraudulent conveyances and for other purposes, reported the same without amendment, which was concurred in. Ordered that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr. Barton from the same committee to whom was referred a bill entitled, an act compelling Clerks of the Circuit and County courts to calendar the trial of causes in their respective counties and for other purposes reported, that it is inexpedient, in the opinion of the committee to pass the bill, which was concurred in.

Mr. Barton from the same committee to whom was referred a bill to explain the meaning of the present laws on certain objects of taxation reported, that it would be inexpedient in the opinion of the committee to pass such a law; which was concurred in.

Mr. Barton from the same committee to whom was referred a Resolution instructing them to enquire into the expediency of amending the existing laws providing for the election of Representatives to Congress so that the Sheriffs shall be compelled to make their returns on a day certain &c. reported a bill to be entitled, an act to amend an act entitled an act to divide the State into districts for electing Representatives to Congress, passed Decr 21st 1822; which was read and ordered to a second reading on Monday next.

Mr. Barton from the same committee to whom was referred a Resolution instructing them to enquire into the expediency of forming a seventh Judicial Circuit reported, a bill to be entitled, an act to establish a seventh Judicial Circuit; which was read and ordered to a second reading on Monday next.

Mr. Barton from the same committee to whom was referred a bill (from the House of Representatives) entitled, an act relative to offsets before Justices of the Peace, and for other purposes. reported the same without amendment. Ordered, that the bill be made the order of the day for a third reading on Monday next.

Mr. Abercrombie from the committee on county boundaries to whom was referred the petition of sundry inhabitants of Bibb County reported that it is inexpedient to grant the prayer of the petitioners; which was concurred in.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act to prevent the abatement of suits in certain cases; An act to provide for an extra term of the circuit court of Mobile County; and An act to compel Solicitors to reside within their respective circuits; All of which were accordingly signed by Mr. President.

Bills from the House of Representatives entitled, an act to amend an act to authorise Clerks and Magistrates to collect costs in certain cases; An act to alter the boundary line between the counties of Shelby and Autauga; and a Joint Resolution requiring the Comptroller of Public Accounts to furnish the tax-collectors and county court clerks with a certified copy of the Revenue law of this State, were severally read the third time and passed.

Ordered, that they be returned to the House of Representatives.

Mr. Abercrombie introduced a bill to be entitled, an act concerning the importation of slaves into this State; which was read and ordered to a second reading on Monday next.

Mr. Brown introduced a bill to be entitled, an act to repeal so much of the 3d section of an act entitled, an act to reduce the expenses of the General Assembly, and for other purposes passed at Cahawba the 15th day of June 1821, as is herein specified; which was read and ordered to a second reading on Monday next.

Mr. Skinner introduced a bill to be entitled, an act to incorporate the Franklin Academy in the Town of Russellville Franklin County; which was read and ordered to a second reading on Monday next.

Mr. Hubbard called up the bill entitled, an act incorporating the Town of Courtland in the county of Lawrence. Ordered, that it be referred to a special committee consisting of Messrs. Hubbard, Jackson, and Skinner, to consider and report thereon.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have passed a bill which originated in their House entitled, an act to provide for the more speedy trial of chancery causes—In which they ask your concurrence. They have amended the amendment made by the Senate to the 9th section of the bill entitled, an act to incorporate the Blakeley and Greenville Turnpike Company by adding thereto a proviso; In which they desire your concurrence. Ordered, that the Senate concur in the amendment made by the House of Representatives to their amendment to the bill entitled, an act to incorporate the Blakeley and Greenville Turnpike Company.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill, from the House of Representatives entitled, an act to provide for the more speedy trial of chancery causes, was read the first time and ordered to a second reading on Monday next.

Mr. Jackson offered the following resolution: *Resolved*, That this House will not receive any new business after Thursday next.

Mr. Hubbard moved to strike out "Thursday next" with a view of inserting "Monday week."

On motion of Mr. Casey ordered that the Resolution together with the proposed amendment lie on the table till Monday next.

And then the Senate adjourned, till Monday morning at 10 o'clock.

Monday, Dec. 17th, 1827.

The Senate met pursuant to adjournment.

Mr. Miller a Senator from the county of Madison appeared and took his seat.

Mr. Abercrombie from the committee on county boundaries to which was referred the petition of sundry persons residing in Hills settlement Tuscaloosa County in opposition to an annexation of the part of Tuscaloosa County in which they reside to Bibb, reported that the prayer of the petitioners is reasonable and ought to be granted; which was concurred in.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act to amend an act entitled, an act excluding from Suffrage, serving as Jurors and holding offices such persons as may be convicted of bribery, forgery, and perjury, and other high crimes and misdemeanors; which was accordingly signed by Mr. President.

Mr. Hubbard from the committee appointed on the part of the Senate to confer with a committee on the part of the House of Representatives on the subject matter of disagreement between the two Houses in relation to the amendment made by the House to the bill entitled, an act for the relief of William Ferguson reported, that the committee of conference had instructed him to recommend to the Senate to recede from the disagreement to the amendment made by the House of Representatives to said bill, which was agreed to by the Senate. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Hubbard from the special committee to which was referred a resolution of the Senate on the subject, reported a bill to be entitled, an act to declare in what manner Pardons and Reprieves shall be granted, and fines and forfeitures remitted; which was read and ordered to a second reading to-morrow.

Mr. Powell from the special committee to which was referred the petition of sundry inhabitants of the Town of Tuscaloosa praying an amendment of the act incorporating said Town reported, a bill to be entitled, an

act to incorporate the Town of Tuscaloosa, and to repeal an act incorporating said Town passed 13th Dec. 1819; which was read and ordered to a second reading to-morrow.

Mr. Shackelford from the committee on Schools and Colleges and School and College Lands to which was referred a resolution of the Senate instructing them to enquire into the expediency of locating the University at the present Session. reported a bill to be entitled, an act to provide for the location of the University of the State of Alabama; which was read and ordered to a second reading to-morrow.

Mr. Shackelford from the same committee to which was referred the communication from the Board of Trustees recommending the location of the University of Alabama, asked to be discharged from the further consideration thereof, the subject having been acted on in pursuance of a resolution of the Senate; which was agreed to.

A message from the House of Representatives by Mr. Ready.

Mr. President—The House of Representatives have adopted the following Resolution in which they desire your concurrence: *Resolved*, with the concurrence of the Senate the two Houses of the General Assembly will on to-morrow at half past 2 o'clock P. M. go into the election of a President and Directors for the Bank of the State of Alabama for the year 1828.

They have passed a bill which originated in the Senate entitled, an act for the benefit of the Pikeville Library Company. They have also passed a bill which originated in the House of Representatives entitled, an act to provide for ascertaining the sense of the citizens of Autauga County with regard to the Seat of Justice of said county; In which they desire your concurrence. They concur in the amendment made by the Senate to the Joint Resolution adopting a plan for the State Capitol.

Mr. Jackson moved that the Resolution from the House of Representatives proposing, with the concurrence of the Senate, to go into the election of a President and Directors of the Bank of the State of Alabama on to-morrow at half past 2 o'clock, lie on the table; which was carried.

A bill from the House of Representatives entitled, an act to provide for ascertaining the sense of the citizens of Autauga County with regard to the seat of Justice of Autauga County, was read the first time and ordered to a second reading to-morrow.

An engrossed bill to be entitled, an act concerning the owners and keepers of Mills and other water works, was read the third time and passed.

Ordered, that the title of the bill be as aforesaid and that it be conveyed to the House of Representatives for their concurrence.

A bill from the House of Representatives entitled, an act relative to offsets before Justices of the Peace and for other purposes, was read the third time and passed.

The Senate resumed the consideration of the resolution offered on Saturday last by Mr. Jackson proposing to receive no new business in the Senate after Thursday next.

The question was put on Mr. Hubbard's proposition to amend the Resolution by striking out "Thursday" and inserting "Monday next" and determined in the affirmative.

The Resolution as amended was then adopted.

A bill to be entitled, an act to establish a seventh Judicial Circuit was read the second time.

Mr. McCamy offered an amendment to the bill changing the times of

holding the circuit courts in the 5th Judicial circuit.

On motion of Mr. Miller ordered, that the bill together with the amendment lie on the table till to-morrow.

A bill to be entitled, an act to repeal so much of the 3d section of an act entitled, an act to reduce the expenses of the General Assembly, and for other purposes passed at Cahawba 15th June 1821 as is herein specified, was read the second time and ordered to lie on the table till tomorrow.

A bill to be entitled, an act concerning the importation of Slaves into this State, was read the second time.

Mr. Casey moved that the further consideration of the bill be postponed till the first day of June next, which was lost—Yeas 9, nays 12.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Casey, Crabb, Hubbard, Jackson, Merriwether, Miller, Moore, Powell, and Skinner.

Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Earle, Evans, Irwin, Jones, M'Camy, Shackelford, and Sullivan.

Mr. Shackelford moved to strike out the first, second, third, and fourth sections of the bill; which was lost.

The question was then put "Shall the bill be engrossed and made the order of the day for a third reading to-morrow," and determined in the negative.—Yeas 9, nays 12.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Brown, Earle, Evans, Irwin, Jones, and Sullivan.

Those who voted in the negative are, Messrs. Barton, Casey, Crabb, Hubbard, Jackson, M'Camy, Merriwether, Miller, Moore, Powell, Shackelford, and Skinner. So the bill was rejected.

An engrossed bill to be entitled, an act more effectually to prevent frauds and fraudulent conveyances, and for other purposes, was read the third time and passed.

Ordered, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

A bill to be entitled, an act to amend an act to divide the State into districts for electing Representatives to Congress passed Dec. 21st 1822, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, an act to provide for the more speedy trial of chancery causes, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

A bill to be entitled, an act to incorporate the Franklin Academy in the Town of Russellville Franklin County, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr. Jackson called up the bill entitled, an act to amend an act incorporating the Town of Huntsville and offered amendment to the same; which was adopted.

Mr. Hubbard moved to amend the bill by striking out that part authorising the corporation to appoint a clerk "who shall hold his office during good behaviour" and to insert the words "who shall hold his office for two years;" which was lost.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

Mr. Hubbard from the committee on the Judiciary, to which was referred a bill to be entitled, an act to revive in part a certain act therein specified reported the same as amended, which was concurred in.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

Mr. Hubbard offered the following resolution: *Resolved*, That, the Secretary enter upon the Journals of this house the plan of the building adopted by the present General Assembly for a State Capitol together with a description of the length, breadth, height, and names of each and every room belonging to the several stories of the building the width of the passages and size of the Rotunda.

Mr. Casey moved to amend the Resolution by adding the words "and also the letter from the Architect—shewing the cost of the building; which was carried. The Resolution as amended was then adopted.

A description of the plan for the State Capitol of Alabama as adopted by the present General Assembly. The General form of the building is that of a *Roman cross* extending from east to west, through the center 106 and from north to south in like manner 132 feet exclusive of the *Portico's*. The principal entrance from the east leads to a vestibule (34 by 26 feet) to a Rotunda (36 feet diameter) communicating on the south with the apartments of the Governor and Secretary of State each 26 by 21 feet, a committee room and record room each 21 by 17 feet, and a passage 12 feet wide, height of these rooms 13 feet on the west of the Rotunda will be the Supreme Court room 40 feet by 31 and 16 feet high. The north wing will contain apartments for the Treasurer and Comptroller with a record and committee room, which with a passage will be similar in dimensions in all respects with the rooms &c. in the south wing. From the vestibule you ascend to the principle floor which contains an antichamber (36) thirty six feet diameter surmounted by a dome and cupola—A Hall for Representatives 45 by 37 feet and 29 feet high a circular gallery and arched ceiling supported by eight Ionic columns—A Hall for the Senate 57 feet by 43 feet and 29 feet high with a gallery forming a circle supported by columns, and a Hall of conference 30 by 17 feet and two clerk's rooms 23 by 20 feet and 14 feet high. From their floor there are four stair cases leading to the third or attic story which contains passages to the galleries; a library 30 feet by 17 feet and 14 feet high and two clerks rooms each 23 by 20 feet and 14 feet high.

The following is the letter from the Architect, which was ordered to be entered upon the journals.

December 13th, 1827.

Sir—In obedience to the direction of the committee of the Senate on the State Capitol I have enlarged the plans, so as to give comfortable accommodation to the Legislative departments and Supreme Court that the apartments were before to limited must be attributed to the bounds prescribed by the amount of the appropriation.

The enlargement of the plan will increase the building in size more than one fourth, the whole estimate will be fifty five thousand dollars, which sum by a strict attention to expenditure and a scrupulous regard to economy throughout the progress of the building will, I believe be sufficient for its completion.

(Signed)

WM. NICHOLS.

State Architect.

DAVID HUBBARD Esq. of the Senate.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 18th, 1827.

The Senate met pursuant to adjournment.

Mr. Abercrombie from the committee on county boundaries to which was referred a resolution instructing them to enquire into the expediency of so altering the limits of the county of Wilcox as to make the Alabama river the western boundary line reported that it is inexpedient to make any alteration in the boundaries of said county at the present Session; which was concurred in.

Mr. Powell from the joint committee on enrolled bills reported as correctly enrolled, an act supplementary to an act entitled an act concerning executions and sales by sheriffs, and for other purposes passed Dec. 20 1820.

A Joint Resolution adopting a plan for the State Capitol; An act to divide the 22d Regiment of the militia of this State; An act to authorise Ansel Sawyer to erect a Mill on Coosa River; An act to appoint commissioners for the county of Dale and for other purposes; An act to authorise Isham R. Houze to bring to this State the slaves of Susan B. Houze; and An act to establish a permanent seat of Justice in the county of Henry—all of which were accordingly signed by Mr. President.

Mr. Brown from the special committee to which was referred a bill to be entitled, an act to revive and continue in force an act passed 31st Dec. 1822 entitled an act to incorporate the Town of Jonesborough in the county of Jefferson reported, the same as amended; which was concurred in.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Hubbard introduced a bill to be entitled, an act better to regulate Judicial proceedings; which was read and ordered to a second reading to-morrow.

Engrossed bills entitled, an act to amend an act entitled an act to divide the State into districts for electing Representatives to Congress passed Dec. 21st 1822; and An act to incorporate the Franklin Academy in the Town of Russellville Franklin County, were severally read the third time and passed. Ordered that the titles of the bills be as aforesaid, and that they be reported to the House of Representatives for their concurrence.

A bill from the House of Representatives entitled, an act to amend an act incorporating the Town of Huntsville was read the third time and passed. Ordered, that it be returned to the House of Representatives.

A bill entitled, an act to revive in part a certain act therein specified, was read the third time, and on the question being put "Shall the bill pass," it was determined in the affirmative.—Yeas 13, nays 8.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Ashe, Barton, Brown, Casey, Hubbard, Irwin, Jones, M'Camy, Merriwether, Miller, Moore, Skinner, and Sullivan.

Those who voted in the negative are, Mr. President, Abercrombie, Crabb, Earle, Evans, Jackson, Powell, and Shackelford. So the bill was passed, ordered that it be returned to the House of Representatives.

The bill to be entitled, an act to establish a seventh Judicial circuit was taken up, and the question being put on the adoption of the amendment offered by Mr. M'Camy changing the time of holding the courts in the 5th Judicial Circuit it was determined in the affirmative. Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled, an act to provide for the location of the University of the State of Alabama was read the second time.

Mr. Jackson offered the following amendment to the bill. "SEC. 2. And be it further enacted, That if after balloting no site be selected then the one having the lowest number of ballots shall be dropped at each successive balloting until a selection be made."

Mr. Hubbard moved that the bill together with the amendment lie on the table till Thursday next, which was lost.—Yeas 5; nays 16.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Hubbard, Moore, Shackelford, Skinner, and Sullivan.

Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Irwin, Jackson, Jones, M'Camy, Merriwether, Miller, and Powell.

The question was then put on the adoption of the amendment offered by Mr. Jackson to the bill and determined in the negative.—Yeas 7, nays 14.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Barton, Brown, Crabb, Earle, Jackson, & Powell.

Those who voted in the negative are, Messrs. Abercrombie, Ashe, Casey, Evans, Hubbard, Irwin, Jones, M'Camy, Merriwether, Miller, Moore, Shackelford, Skinner, and Sullivan. Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled, an act to declare in what manner pardons and reprieves shall be granted and fines and forfeitures remitted, was read the second time and on the question being put "Shall the bill be engrossed and made the order of the day for a third reading to-morrow," it was determined in the affirmative.—Yeas 12, nays 9.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Hubbard, Irwin, Jackson, Jones, M'Camy, Miller, Moore, Shackelford, and Skinner.

Those who voted in the negative are, Messrs. Barton, Brown, Casey, Crabb, Earle, Evans, Merriwether, Powell, and Sullivan. So the bill was ordered to be engrossed for a third reading to-morrow.

A message from the House of Representatives by Mr. Tunstall their clerk—Mr. President the House of Representatives have read three severally times and passed bills which originated in their House entitled, an act to give a more summary remedy on bonds to keep the prison bounds and to surrender property with a view to take the insolvent oath; An act concerning affrays, assaults and assaults and batteries; An act to alter the boundaries of certain counties therein named; and An act to authorise the county court of Butler County to make further sales of lots in Greenville—In all of which they desire your concurrence.

The bills mentioned in the foregoing message were severally read the first time in the Senate and ordered to a second reading to-morrow.

A bill to be entitled, an act to incorporate the Town of Tuscaloosa and to repeal an act incorporating said Town passed 13th Dec. 1819, was read the second time and ordered to be engrossed for a third reading on Thursday next.

A bill to be entitled, an act to provide for ascertaining the sense of the citizens of Autauga County with regard to the seat of Justice in said county was read the second time and ordered to a third reading to-morrow.

A bill to be entitled, an act to repeal so much of the 3d section of an act entitled, on act to reduce the expenses of the General Assembly and for other purposes passed at Cahawba the 15th June 1821 as is herein specified, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr. Barton introduced a bill to be entitled, an act to provide for reports of the decisions of the Supreme Court, which was read and ordered to a second reading to-morrow.

Mr. Crabb moved to reconsider the vote of the Senate, on the question to order to be engrossed for a third reading the bill to be entitled, an act concerning the importation of Slaves into this State; which was carried.—Yeas 12, nays 9.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Abercrombie, Ashe, Barton, Brown, Crabb, Earle, Evans, Irwin, Jones, M'Camy, Shackelford, and Sullivan.

Those who voted in the negative are, Mr. President, Casey, Hubbard, Jackson, Merriwether, Miller, Moore, Powell, and Skinner.

Ordered, that the bill be committed to a special committee consisting of Messrs. Crabb, Abercrombie, and Shackelford, to consider and report thereon.

Mr. Shackelford offered the following resolution: *Resolved*. That the military committee be instructed to enquire into the expediency of furnishing one copy of Scott's abridgement of discipline to all the militia officers of this State.

Mr. Hubbard offered the following amendments to the Resolution "and that the committee report to this House the estimated cost per copy;" which was rejected. The Resolution was then adopted.

Mr. Brown called up the bill to be entitled, an act to authorise John Smith of Jefferson County to emancipate a certain slave therein named.

Ordered, that the bill be engrossed for a third reading to-morrow.

On motion of Mr. Shackelford ordered that Mr. Hubbard be added to the military committee.

Mr. Jackson called up the bill to be entitled, an act to authorise Mahala Farrar to emancipate a mulatto woman slave named Patience.

Ordered, that the bill be engrossed for a third reading to-morrow.

Mr. Barton called up the bill to be entitled, an act to emancipate certain persons therein mentioned. Ordered, that it be engrossed and made the order of the day for a third reading to-morrow.

On motion of Mr. Hubbard the bill to be entitled, an act to emancipate certain slaves therein mentioned, was taken up and ordered to a third reading to-morrow.

Mr. Crabb offered the following resolution: *Resolved*, That the Judiciary committee be instructed to enquire into the expediency of so amending the law now in force as to make all executions from Justices of the Peace sent from one county to another to be directed to the Sheriff of the county to which they may be sent; which was adopted.

Mr. Casey called up the report of the commissioners appointed by a Resolution of the last Session of the Legislature to view and report the damages which the lot-holders who bought at the first sale of the lost in the Town of Cahawba have sustained in the diminished value of their property by the removal of the seat of Government from Cahawba.

On motion of Mr. Casey ordered, that the report, together with the accompanying documents be referred to the committee on propositions and grievances to consider and report thereon.

On motion of Mr. M'Camy ordered, that Mr. Casey be added to the committee on propositions and grievances.

The report of the commissioners is as follows:—

To the Senate and House of Representatives of the State of Alabama in

General Assembly convened, The undersigned commissioners appointed by a Resolution of the last Session of your honorable body to view and report to the present Session of the Legislature the damages which the lot holders who bought at the first sale of lots in the Town of Cahawba have sustained in the diminished value of their property by the removal of the seat of Government from said Town and to enquire on what terms the holders of said lots purchased the lots by them relinquished and applied to complete the payment of lots retained by them on the original purchase previous to the meeting of the convention and whether the lots purchased at the first sale and relinquished were applied in payment of the lots retained by the original purchasers, beg leave to make the following exposition of facts. That they met at the Town of Cahawba and after taking the oath as required by the said resolution proceeded to the discharge of the duty imposed upon them, and in their investigation find one hundred and eighty-four lots were sold in May 1819, out of that number fifty-one have been paid for, & eighty-one relinquished in conformity to the different acts of the Legislature, and applied to the payment of those retained—of the remaining fifty-two we are unable to say what disposition has been made. Reference to the following statements shewing the present holders of lots at the first sale in Cahawba on which complete payments have been made, at what price purchased, the amount paid thereon in cash, the amount paid by relinquishment of other lots purchased at the first sale, what lots relinquished and to what the payments, made by such relinquishment have been applied, and the amount paid by discount allowed by law, the estimated value of the property if the seat of Government had remained in Cahawba; the present value and the estimated loss on each lot by the removal of the seat of Government will fully appear.

It will be perceived that the objects contemplated in the Resolution of your honorable body are fully embraced in the above statement—but in order to make the views of the undersigned more fully understood, it may be necessary to state, that unimproved lots were rated at their original cost; that being the only data upon which they conceive a correct opinion could be formed, and that complete payments were made on the thirteen last mentioned lots in said statement by relinquishing lots purchased at the second sale.

The undersigned have avoided entering into any arguments in relation to the subject matter referred to them, they only endeavour to get at the facts—all of which as far as they can ascertain them are respectfully submitted.

(Signed)

N. E. BENSON,
GEO. PHILIPS,
GEO. WEISINGER,

State of Alabama, } To the Honorable the Senate and House of Representatives
Dallas County. } of the State of Alabama.

We were present in May 1819 when Governor Bibb sold the lots in the Town of Cahawba, and he distinctly and repeatedly authorised the officer Benjamin Clements to proclaim that in purchasing the lots they purchased a permanent interest in the seat of Government of Alabama, that he was so authorised to say both by the acts of our Legislature and by the acts of the Government of the United States (the donors.)

In consequence of this understanding by the purchasers the lots sold for enormous prices, far above any price which would have been given without this understanding derived from so respectable a source.

NOVEMBER, 20th 1827.

(Signed)

U. G. MITCHELL,
JESSE BEENE,
THOMAS G. WILSON;
W. W. GARY,
JNO. W. RINALDI,
GEO. G. BROOKS,
WM. CURTIS,

I do certify in was the understanding by those who passed the law making Cahawba the seat of Government, that it was to be the permanent seat of the State Government, and in consequence of that understanding at the first sales, the lots sold at the price they did—but for that impression they would not have sold for the prices they did sell at.

December. 12th 1827. (Signed)

GEO. PHILLIPS.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, Dec. 19th, 1827.

The Senate met pursuant to adjournment.

Mr. Miller presented the petition of sundry citizens of Madison County residents of Township No. 1 Range 2 east of the basis meridian, urging their objections to a sale of the 16 section in said Township: which was referred to the committee on Schools and Colleges and School and College lands to consider and report thereon.

Mr. Sullivan presented the petition of James Holmes and of others in his behalf praying that said Holmes may be remunerated for a slave executed in pursuance of law; which was read and ordered to lie on the table.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act to amend an act to authorise Clerks and Magistrates to collect costs in certain cases; which was accordingly signed by Mr. President.

Mr. Barton from the committee on the Judiciary to whom was referred a Joint Resolution proposing an amendment to the 13th section of the 5th article of the constitution reported, a substitute for the original Resolution as an amendment; which was concurred in.

Ordered, that the Resolution be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to whom was referred a bill to be entitled, an act defining the liability of indorsers and for other purposes reported, that it is inexpedient in the opinion of the committee to pass the bill; and on the question being put on concurring in said report it was determined in the negative.—Yeas 8. nays 13

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Abercrombie, Barton, Brown, Earle, Jackson, Powell, and Shackelford.

Those who voted in the negative are, Messrs. Ashe, Casey, Crabb, Evans, Hubbard, Irwin, Jones, M'Camy, Merriwether, Miller, Moore, Skinner, and Sullivan.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to whom was referred a bill (from the House of Representatives) entitled, an act to repeal in part an act passed the 27th Dec. 1814, reported the same as amended; which was concurred in.

Ordered, that the bill be read the third time to-morrow.

Mr. Casey introduced a bill to be entitled, an act to repeal an act entitled

ed an act to provide for the payment of petit jurors in certain counties there in named, approved Dec. 22d 1826 so far as said act relates to the county of Dallas; which was read, and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. Tunstall their clerk—Mr. President the House of Representatives have passed a bill which originated in the Senate entitled, an act to give Justices of the Peace jurisdiction of certain contracts therein named.

They have passed bills which originated in their House entitled, an act to repeal in part an act passed the 12th day of January 1827 entitled, an act to require additional services to be performed by the Judge of the first Judicial circuit in this State; An act for the relief of James Holmes; An act altering the punishment of Forgery and Counterfeiting in certain cases; An act to amend a certain act therein named; An act to authorise county courts to alter State Roads in certain cases; An act to authorise the Administrator of Daniel Mitchell to make and receive assurances of title to certain real estate; and An act to define the corporate limits of the Town of Sparta in Conecuh County and for other purposes.—In all of which they desire your concurrence.

They concur in the amendment made by your honorable body to the bill entitled, an act to alter the boundary line between the counties of Shelby and Autauga, and have amended the amendment made by the Senate to the bill by striking out the words "thirteen;" In which amendment they desire your concurrence.

Ordered, that the Senate concur in the amendment made by the House of Representatives to their amendment to the bill entitled, an act to alter the boundary line between the counties of Shelby and Autauga.

Ordered, that the Secretary acquaint the House of Representatives therewith.

The bills mentioned in the foregoing message from the House of Representatives and which originated in the House, was severally read the first time in the Senate and ordered to a second reading to-morrow.

An engrossed bill to be entitled, an act to form a seventh Judicial circuit, was read the third time and passed.—Yeas 17, nays 4.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Crabb, Earle, Hubbard, Irwin, Jackson, M'Camy, Merriwether, Miller, Moore, Powell, Shackleford, and Skinner.

Those who voted in the negative are, Messrs. Casey, Evans, Jones, and Sullivan. So the bill was passed. Ordered, that the title be as aforesaid, and that the bill be reported to the House of Representatives for their concurrence.

An engrossed bill to be entitled, an act to declare in what manner pardons and reprieves shall be granted and fines and forfeitures remitted was read the third time and passed.—Yeas 11, nays 10.

The yeas and nays being desired on the passage of the bill those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Hubbard, Irwin, Jackson, M'Camy, Miller, Moore, Shackleford, and Skinner.—Those who voted in the negative are, Messrs. Barton, Brown, Casey, Crabb, Earle, Evans, Jones, Merriwether, Powell, and Sullivan.

So the bill was passed, ordered, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

An engrossed bill to be entitled, an act to repeal so much of the 5d section of an act entitled, an act to reduce the expenses of the General As-

sembly and for other purposes passed at Cahawba 15th June 1821 as herein specified, was read the third time and passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence.

An engrossed bill to be entitled, an act to authorise Mahala Farrar to emancipate a mulatto woman slave named Patience, was read the third time and on the question "shall the bill pass?" it was determined in the negative.—Yeas 10, nays 11.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Abercrombie, Barton, Brown, Crabb, Earle, Hubbard, M'Camy, Powell, and Shackelford.

Those who voted in the negative are, Messrs. Ashe, Casey, Evans, Irwin, Jackson, Jones, Merriwether, Miller, Moore, Skinner, and Sullivan, so the bill was rejected.

An engrossed bill to be entitled, an act to provide for the location of the University of the State of Alabama was read the third time, and on the question "being put" shall the bill pass?" it was determined in the affirmative.—Yeas 15, nays 6.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Irwin, Jackson, Jones, M'Camy, Merriwether, Miller, Moore, and Powell.

Those who voted in the negative are, Messrs. Abercrombie, Evans, Hubbard, Shackelford, Skinner, and Sullivan, so the bill was passed.

Ordered, that the caption be as aforesaid and that it be reported to the House of Representatives for their concurrence.

An engrossed bill to be entitled, an act to authorise John Smith of Jefferson County to emancipate a certain slave therein named, was read the third time and passed.—Yeas 13, nays 7.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Abercrombie, Barton, Brown, Casey, Crabb, Earle, Hubbard, Irwin, M'Camy, Merriwether, Powell, and Skinner.

Those who voted in the negative are, Messrs. Ashe, Evans, Jackson, Jones, Miller, Moore, and Sullivan. Ordered, that the bill be sent to the House of Representatives for their concurrence.

Mr. Jackson moved to reconsider the vote of the Senate on the passage of the bill entitled, an act to authorise Mahala Farrar to emancipate a mulatto woman slave named Patience; which was carried.

Ordered, that the bill lie on the table ordered, that the engrossed bill entitled, an act to emancipate certain persons therein mentioned lie on the table till to-morrow.

A bill to be entitled, an act to emancipate certain slaves therein mentioned was read the third time and laid on the table till to-morrow.

Bills from the House of Representatives entitled, an act to revive and continue in force an act passed 31th Dec. 1822 entitled an act to incorporate the Town of Jonesborough in the county of Jefferson; and An act to provide for ascertaining the sense of the citizens of Autauga County with regard to the seat of Justice in said county, were severally read the third time and passed. Ordered, that they be returned to the House of Representatives.

A bill to be entitled, an act to provide for reports of the decisions of the Supreme Court, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, an act better to regulate Judicial proceedings,

was read the second time and referred to the Committee on the Judiciary to consider and report thereon.

A bill to be entitled, an act concerning affrays, assaults, and assaults and batteries, was read the second time and ordered to lie on the table.

A bill to be entitled, an act to authorise the county court of Butler County to make further sales of lots in Greenville, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled, an act to alter the boundaries of certain counties therein named, was read the second time and referred to the committee on county boundaries to consider and report thereon.

A bill to be entitled, an act to give a more summary remedy on bonds to keep the prison bounds and to surrender property with a view to take the insolvent oath, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

And then the Senate adjourned till to-morrow morning at 10 o'clock.
Thursday, December 20th, 1827.

The Senate met pursuant to adjournment.

Mr. Ashe presented the petition of sundry citizens of St. Clair County praying that Canoe Creek in said county may be declared a public highway; which was read and referred to the committee on inland navigation to consider and report thereon.

Mr. M'Camy from the committee on propositions and grievances to which was referred the petition of sundry inhabitants of Lauderdale County reported, a bill to be entitled, an act to preserve the health of the inhabitants residing on Sinking Creek in Lauderdale County, which was read and ordered, to a second reading to-morrow.

Mr. M'Camy from the same committee to which was reported a Resolution of the Senate on the subject of a standard of weights and measures; reported a bill to be entitled, an act to authorise and require the Secretary of State to procure and distribute to each county in this State one set of weights and measures; which was read and ordered to a second reading to-morrow.

Mr. Miller introduced a bill to be entitled, an act for the relief of appearance bail; which was read and ordered to a second reading to-morrow.

Mr. Evans introduced a bill to be entitled, an act to change the time of holding the county court in Monroe County; which was read; the rule requiring bills to be read on three several days being dispensed with the bill was read the second time forthwith and ordered to be engrossed for a third reading to-morrow.

Engrossed Joint Resolution proposing to the people of this State to amend the 13th section of the 5th article of the constitution, were read the third time and ordered to lie on the table till Monday next.

A message from the House of Representatives by Mr. Ready.

Mr. President the House of Representatives have passed a Joint Resolution and bill which originated in their House entitled Joint Resolution proposing to amend the constitution so as to have biennial Sessions of the General Assembly; and An act to aid in the endowment of a humane charity Hospital in the City of Mobile—In which they desire your concurrence.

They concur in the amendments made by the Senate to the bill entitled, an act to amend an act incorporating the Town of Buntsville and have amended the amendment made by the Senate to the bill in the manner herewith shewn, in which they desire your concurrence.

Ordered, that the Senate concur in the amendment made by the House of Representatives to their amendment to the bill entitled, an act to amend an act incorporating the Town of Huntsville.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill from the House of Representatives entitled, an act to aid in the endowment of a humane charity Hospital in the City of Mobile; and Joint Resolutions proposing to amend the constitution so as to have biennial Sessions of the General Assembly were severally read the first time and ordered to a second reading to-morrow.

An engrossed bill to be entitled, an act defining the liabilities of endorsers and for other purposes was read the third time and ordered to lie on the table till Saturday next.

Mr. Casey moved to reconsider the vote of the Senate on ordering to be engrossed for a third reading the bill to be entitled, an act to provide for reports of the decisions of the Supreme Court of this State; which was carried.

Mr. Casey then moved to strike out that part of the bill which authorise the Supreme Courts to appoint a Reporter with a view of providing for the election of a Reporter by joint vote of both Houses of the General Assembly; which was lost. The bill was then read the third time and ordered to lie on the table till to-morrow.

A bill to be entitled, an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named approved Dec. 22d 1826 so far as said act relates to the county of Dallas, was read the second time.

Mr. Miller moved to amend the bill by inserting "Madison" after "Dallas" wherever it occurs in the bill.

Mr. Abeccaombie moved to amend the amendment by inserting "Montgomery;" which was carried.

The question was then put on the adoption of Mr. Miller's amendment as amended and carried.

Mr. Abercrombie moved further to amend the bill by striking out, "twenty-five cents" when it proposes to allow jurors one dollar and twenty-five cents per day; which was lost. Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled, an act to authorize the county court of Butler County to make further sales of lots in Greenville was read the third time and passed.

A bill to be entitled, an act to repeal in part an act passed Dec. 27th 1814, was read the third time, amended by way of Ryder and passed.

An engrossed bill to be entitled, an act to emancipate certain slaves therein mentioned, was taken up read the third time and on the question being put, "shall the bill pass?" it was determined in the negative.—Yeas 8, nays 13.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Abercrombie, Barton, Earle, Hubbard, M'Camy, Powell, and Shackelford.

Those who voted in the negative are, Messrs. Ashe, Brown, Casey, Crabb, Eyans, Irwin, Jackson, Jones, Merriwether, Miller, Moore, Skinner, and Sullivan. So the bill was rejected.

A bill to be entitled, an act to define the corporate limits of the Town of Sparta in Conecuh County and for other purposes, was read the second time and laid on the table.

A bill to be entitled, an act to authorise county courts to alter State Roads in certain cases. was read the second time.

Mr. Jackson moved that the bill lie on the table till the first day of April next; which was carried.

An engrossed bill to be entitled, an act to emancipate certain persons therein mentioned, was taken up, amended by way of Rider on Mr. Barton's motion and passed. Ordered, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for their concurrence.

A bill to be entitled, an act altering the punishment of forgery, and counterfeiting in certain cases; and An act to repeal in part an act passed 12th day of January 1827 entitled, an act to require additional services to be performed by the Judge of the first Judicial Circuit, were severally read the second time and referred to the committee on the Judiciary to consider and report thereon.

A bill to be entitled, an act for the relief of James Holmes was read the second time.

Mr. Jackson moved that the further consideration of the bill be indefinitely postponed.

Mr. Casey moved that it be referred to the committee on propositions and grievances; which was carried.

A bill to be entitled, an act to amend a certain act therein mentioned; and An act to authorise the administrator of Daniel Mitchell to make and receive assurances of title to certain real estate, were severally read the second time and ordered to a third reading to-morrow.

Mr. Irwin presented the account of the former Sheriff of Henry County against the State; which was referred to the committee on accounts and claims.

Mr. Barton introduced a bill to be entitled, an act to prevent the clandestine introduction of gun powder and other inflammable articles into this State; which was read, and ordered to a second reading to-morrow.

Mr. Barton also introduced a bill to be entitled, an act prescribing the mode of revoking powers of attorney; which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, Dec. 21st, 1827.

The Senate met pursuant to adjournment.

Mr. Miller presented the petition of sundry inhabitants of Madison County praying the passage of a law authorising the emancipation of John Robinson; which was referred to the committee on propositions and grievances to consider and report thereon.

Mr. Abercrombie from the committee on county boundaries to which was referred the bill entitled, an act to alter the boundaries of certain counties therein named— reported the same as amended; which was concurred in. Ordered, that the bill be made the order of the day for a third reading to-morrow.

Mr. Abercrombie from the same committee to which was referred a bill to be entitled, an act to establish the dividing line between the counties of Tuscaloosa and Jefferson by visible and marked boundaries, reported the same with an amendment; which was concurred in.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

A message from the House of Representatives by Mr. Tunstall their

Clerk.—**Mr. President** the House of Representatives have passed a Joint Resolution proposing amendments to the constitution of the State of Alabama, which originated in their House and in which they desire your concurrence.

They have adopted the following resolution: *Resolved*, That with the concurrence of the Senate the two Houses will on to-morrow at the hour of 11 o'clock go into the election of Trustees of the University of this State to fill all such vacancies as may have or will occur at the end of the present Session of the General Assembly; In which they desire your concurrence.

A Joint Resolution proposing amendments to the Constitution of the State of Alabama was read the first time and ordered to a second reading to-morrow.

On motion of **Mr. Evans** ordered, that the Resolution from the House of Representatives proposing to go into the election of Trustees of the University on to-morrow, lie on the table.

An engrossed bill to be entitled, an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named approved Dec. 22d 1826 so far as the same relates to the counties of Dallas, Madison and Montgomery; and An act to change the time of holding the county court in the county of Monroe, were severally read the third time and passed. Ordered, that the titles of the bills be as aforesaid and that they be reported to the House of Representatives for concurrence.

An engrossed bill to be entitled, an act defining the liability of jurors, and for other purposes, was ordered to lie on the table till to-morrow.

A bill entitled, an act to amend a certain act therein mentioned was read the third time and passed.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act to authorise the Sheriffs of Walker, Dale and Covington Counties, to execute precepts issued by Justices of the Peace; An act to authorise the people of the county of Bibb to fix the permanent seat of Justice in said county, and for other purposes; and Joint Resolution requiring the Comptroller of Public accounts to furnish the tax-collectors and county court clerk's with a certified copy of the revenue laws of this State—all of which were accordingly signed by the President.

A bill to be entitled, an act to authorise the administrator of **Daniel Mitchell** to make and receive assurances of title to certain real estate, was read the third time and passed.

Joint Resolutions proposing to amend the constitution so as to have biennial sessions of the General Assembly were read the second time.

Mr. Jackson moved to amend the resolution by striking out 'two years' the period prescribed in the resolutions for the election of senators and to insert 'four years,' as their term of service; which was carried.—Yeas 18, nays 3.

The yeas and nays being desired those who voted in the affirmative are, **Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Hubbard, Jackson, Jones, M'Camy, Merrivether, Miller, Moore, Powell, Shackelford, Skinner, and Sullivan**

Those who voted in the negative are, **Messrs. Abercrombie, Evans, and Irwin**—Ordered, that the resolution as amended be referred to the committee on the Judiciary to consider and report thereon.

A bill to be entitled, an act to preserve the health of the inhabitants residing on sinking creek in Lauderdale County, was read the second

time amended on Mr. Hubbard's motion, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, an act to aid in the endowment of a human charity hospital in the city of Mobile, was read the second time and referred to a special committee consisting of Messrs. Barton, Casey, and Jackson to consider and report thereon.

The following communication was received from the Governor by J. I. Thornton, Esq. Secretary of State.

EXECUTIVE DEPARTMENT, Dec. 21, 1827.

The Hon. the President and members of the Senate:

Gentlemen—I have the honor to transmit an account of the Quarter Master-General, for cleaning and putting in good order the public arms which are now in the arsenal. A long neglect of this duty had placed the arms in a situation to be much injured. A considerable portion of them, if not the whole, had contracted rust in the boxes in which they were kept, that would have speedily rendered them unserviceable. I have the pleasure to state, as is also known to your committee, that the arms are now in very good condition and may be kept so, at a moderate expense by frequent and systematic attention. The humidity of the climate requires more than ordinary care in the preservation of all kinds of arms.

The military committee's will no doubt make the necessary suggestions. The arms have heretofore been kept in boxes, and it is believed that it would be better to keep them in racks, placed in a vertical position, so as to be easily inspected, and any cause of injury subjected to immediate observation. The expense which may be necessary to keep the arms in good order, will be justified by the consideration that it goes to preserve public property essential to the defence and security of the country.

I have the honor to be, most respectfully, your ob^d serv^t.

JOHN MURPHY.

Ordered, that the communication together with the account of the Quarter Master-General be referred to the military committee to consider and report thereon.

A bill to be entitled, an act for the relief of appearance bail, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

The engrossed bill to be entitled, an act to provide for reports of the decisions of the supreme court was taken up, and the question being put "shall the bill pass?" it was determined in the affirmative.—Yeas 12, nays 7. The yeas and nays being desired those who voted in the affirmative are, Mr. President, Abercrombie, Barton, Brown, Casey, Earle, Irwin, Jackson, M'Camy, Merriweather, Powell, Shackelford, & Sullivan.

Those who voted in the negative are, Messrs. Ashe, Evans, Hubbard, Jones, Miller, Moore, and Skinner.

Ordered, that the title of the bill be as aforesaid and that it be reported to the House of Representatives for concurrence.

An engrossed bill to be entitled, an act to incorporate the town of Tuskalooza and to repeal an act incorporating said town passed the 13th Dec. 1819 was read the third time and passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act to authorize and require the Secretary of State to procure and distribute to each county in this State one set of weights and measures, was read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, an act to prevent the clandestine introduction of gun powder, and other inflammable articles into this State; and An act prescribing the mode of revoking powers of attorney, were severally read the second time and referred to the committee on the Judiciary to consider and report thereon.

Mr. Irwin presented the petition of sundry citizens of Henry County praying authority to raise by lottery a certain sum of money to defray the expenses of erecting a Court House and an Academy in said county, which was laid on the table.

Mr. Irwin then introduced a bill to be entitled, an act to authorise a lottery for the purpose of building a Court House and Academy in Henry County, which was read and ordered to a second reading to-morrow.

Mr. Casey from the committee on the apportionment reported a bill to be entitled, an act to apportion the Representatives among the several counties of this state, and to divide the state into Senatorial districts according to the late census at a ratio of twenty one hundred and fifty for the House of Representatives, which was read—The rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith.

Mr. Powell moved to strike out the first section of the bill and to insert the following:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Representation of the several counties of this state shall be apportioned in the following manner to wit the county of Mobile two, the county of Baldwin one, the county of Washington one, the county of Conecuh two, the county of Monroe two, the county of Wilcox two, the county of Clarke one, the county of Butler one, the county of Henry and the parts of Covington and Dale taken from Henry one, the county of Pike and the parts of Covington and Dale taken from Pike two, the county of Montgomery three, the county of Dallas three, the county of Marengo one, the county of Perry two, the county of Bibb two, the county of Autauga two, the county of Shelby two, the county of St. Clair two, the county of Greene three, the county of Pickens one, the county of Tuscaloosa and that part of Walker taken from Tuscaloosa four, the county of Jefferson and that part of Walker taken from Jefferson three, the county of Blount one, the county of Fayette one, the county of Marion and that part of Walker taken from Marion two, the county of Franklin two, the county of Lawrence three, the county of Morgan three, the county of Lauderdale three, the county of Limestone three, the county of Madison five, and the county of Jackson four."

Mr. Sullivan moved to strike out all after the first section of the bill and to insert the following:

SEC. 2. *And be it further enacted.* That the counties of Pike, Henry Dale and Covington shall form and constitute one Senatorial district, the counties of Conecuh and Butler one, the counties of Monroe and Clarke one, the counties of Mobile, Washington and Baldwin one, the counties of Wilcox and Marengo one, the county of Montgomery one, the county of Dallas one, the county of Autauga one, the county of Perry one, the county of Greene one, the county of Bibb and Shelby one, the county of Tuscaloosa one, the counties of Marion Pickens and Fayette one, the counties of Jefferson and Walker one, the counties of St. Clair & Blount one, the county of Lawrence one, the county of Franklin one, the county of Morgan one, the county of Jackson one, the county of Madison one,

of Morgan one

the county of Limestone one, the county of Lauderdale one, each of which districts shall be entitled to, and have one Senator and no more?"

SEC. 8. *And be it further enacted, That the Sheriffs of the counties of Pike, Conecuh, Monroe, Mobile, Wilcox, Shelby, Marion, Jefferson, and St. Clair, shall be the returning officers for the respective senatorial districts in which they reside; and the Sheriffs of the other counties of the districts shall make return to the returning officers within ten days from the Senatorial election*"—Ordered, that the bill together with the proposed amendments lie on the table and that seventy-five copies thereof be printed for the use of the Senate.

Mr. Jackson called up the bill to be entitled, an act to authorise Malala Farrar to emancipate a mulatto woman slave named Patience, and offered an amendment by way of Ryder providing for the removal of the said slave beyond the limits of this state; which was adopted. The bill was then passed. Ordered, that it be sent to the House of Representatives for their concurrence.

Mr. Barton called up bills entitled, an act to emancipate a certain slave therein named—and, An act to emancipate certain persons therein named.—Ordered, that they be made the order of the day for a third reading to-morrow.

Mr. Irwin presented the claim of William B. Allen against the state; which was referred to the committee on propositions and grievances to consider and report thereon. And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, Dec. 22d, 1827.

The Senate met pursuant to adjournment.

Mr. McCamy from the committee on propositions and grievances submitted the following report. "The committee on propositions and grievances to whom was referred the report of the commissioners appointed by a Resolution at the last Session of the Legislature, to view and report to this Session of the Legislature, the damages which the lost holders who bought at the first sale of lots in the Town of Cahawba, have sustained in the diminished value of their property by the removal of the seat of Government from said Town; and also to enquire on what terms the holders of said lots purchased the lots by them relinquished and applied to complete the payment on lots retained by them on the original purchase previous to the meeting of the convention, and whether the lots purchased at the first sale and relinquished were applied in payment of the lots retained by the original purchasers, beg leave to report that they have had the same under consideration and are of the opinion that the purchasers and holders of the lots sold at the first sale of lots in the Town of Cahawba; have sustained damage in consequence of the removal of the seat of Government from the Town of Cahawba; but are not entitled to remuneration from the State.

On motion of Mr. Casey ordered, that the report lie on the table.

Mr. McCamy from the same committee to which was referred a petition on the subject reported a bill to be entitled, an act to authorise John P. Neale agent of William A. Powell to emancipate John Robinson a man of colour; which was read and ordered to a second reading on Monday next.

Mr. Powell from the Joint committee on enrolled bills, reported as correctly enrolled; An act to give Justices of the Peace jurisdiction of certain contracts therein named; An act for the relief of William Ferguson

Ferguson

and an act for the benefit of the Pikesville Library Company—all of which were accordingly signed by Mr. President.

Mr. Powell introduced a bill to be entitled an act to authorise the Judge of the county court and commissioners of revenue and roads of Tuscaloosa County to hold a special court which was read—the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith and ordered to be engrossed for a third reading on Monday next.

Mr. Powell also introduced a bill to be entitled, an act to legalise registering certain deeds or conveyances of land in this state, which was read and ordered to a second reading on Monday next.

Mr. M'Camy introduced a Joint Resolution for the encouragement of domestic manufactures; which was read—the question being put "Shall the resolution be read the second time?" it was determined in the negative Yeas 8, Nays 13.—The yeas and nays being desired those who voted in the affirmative are Messrs. Crabb, Evans, Hubbard, Jones, M'Camy, Powell, Skinner, and Sullivan.

Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Earle, Irwin, Jackson, Merriweather, Miller, Moore, and Shackelford.

Mr. Moore introduced a bill to be entitled, an act reviving an act authorising a lottery for the benefit of the navigation of the Butte-hatchee river; which was read and ordered to a second reading on Monday next.

Mr. Hubbard introduced a bill to be entitled, an act fixing the times of holding the Orphans courts of the several counties of this state; which was read and ordered to a second reading on Monday next.

Mr. Barton introduced a bill to be entitled, an act for the relief of Richard Corre, John Duncan jr, and Henry Center; which was read and ordered to a second reading on Monday next.

Mr. Evans introduced a bill to be entitled, an act to authorise the court of revenue and roads of the county of Wilcox to alter state roads in said county; which was read and ordered to a second reading on Monday next.

Mr. Ashe presented the account of the sheriff of Blount county against the state; which was referred to the committee on accounts and claims.

Mr. Crabb from the special committee to which was referred the bill to be entitled, an act concerning the importation of slaves into this state reported the same without amendment—the question was then put "shall the bill be engrossed and made the order of the day for a third reading on Monday next?" and determined in the negative—so the bill was lost.

Mr. Hubbard presented the memorial of John D. Terrell asking compensation for services rendered as a commissioner on the part of this state to adjust the unsettled accounts between this state and Mississippi, which was referred to the committee on propositions and grievances to consider and report thereon.

A message from the House of Representatives by Mr. Tunstall their clerk.—Mr. President the House of Representatives have passed bills which originated in their House entitled, an act to establish an office of Discount and deposite of the Bank of the State of Alabama in the northern part of this state; An act for the relief of Dugald M'Farlane, An act declaring Elk river and Big shoal creek public highways; An act to authorise the Judge of the county court of Monroe county and the commissioners of roads and revenue to levy a special tax for the purpose therein mentioned; An act to authorise James Mahan, William Lovelady, John Gardner

and Ransom Davis to enter a certain quantity of University land for the purposes therein mentioned; An act concerning the estate of deceased persons; An act to amend the 3d section of an act passed at the last session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and making the permanent boundary line between this state and Georgia. In all of which they desire your concurrence.

Bills from the House of Representatives entitled, an act for the relief of Dugald M'Farlane; An act declaring Elk river and Big shoal creek public highways; An act to authorise the Judge of the county court of Monroe county and the commissioners of roads and revenue to levy a special tax for the purpose therein mentioned; An act to authorise James Mahan, William Lovelady John Gardner and Ransom Davis to enter certain a quantity of University land for the purposes therein mentioned; An act concerning the estate of deceased persons; and An act to amend the 3d section of an act passed at the last session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia, were severally read the first time and ordered to a second reading on Monday next.

A bill from the House of Representatives entitled, an act to establish an office of discount and deposite of the Bank of the State of Alabama in the northern part of this state was read the first time.

Mr. Jackson moved that the further consideration of the bill be indefinitely postponed which was lost.—Yeas 7, nays 14.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. President. Abercrombie, Ashe, Barton, Brown, Earle, and Jackson.

Those who voted in the negative are,

Messrs. Casey, Crabb, Evans, Hubbard, Irwin, Jones, M'Camy, Merriwether, Miller, Moore, Powell, Shackelford, Skinner, and Sullivan.

Ordered, that the bill be made the order of the day for a second reading on Monday next, and that seventy-five copies thereof be printed for the use of the senate.

Engrossed bill entitled, an act to preserve the health of the inhabitants residing on Sinking creek in Lauderdale County; and An act to authorise and require the secretary of state to procure and distribute to each county in this state one set of weights and measures were severally read the third time and passed ordered that the titles of the bills be as aforesaid and that they be sent to the House of Representatives for their concurrence.

The following communication was received from the Governor by J. I. Thornton, Esq. Secretary of State.

EXECUTIVE DEPARTMENT, Dec. 22, 1827.

The Hon. the President and members of the Senate:

Gentlemen—I have the honor to inform you that I have just received the resignation of the Hon. Eli Terry, as Judge of the county court for the county of Autauga.

I have the honor to be, most respectfully, your ob't serv't,

JOHN MURPHY.

Ordered that the communication lie on the table.

An engrossed bill to be entitled, an act defining the liability of indorsers, and for other purposes was taken up.

Mr. Hubbard moved to fill the blank in the bill relating to the time within which holders of notes, bonds, bills or other negotiable instruments, shall make demand of payment of the same after they become due and payable with 'ten days' which was lost.

Mr. Hubbard afterwards moved to fill the blank with 'five days' which

was carried. Yeas 11, nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Ashe, Casey, Crabb, Evans, Hubbard, Irwin, Jones, McCamy, Miller, Moore, and Skinner. Those who voted in the negative are, Mr. President, Abercrombie, Barton, Brown, Earle, Jackson, Powell, Shackelford, and Sullivan.

The bill was then passed—Ordered, that the title be as aforesaid, and that it be sent to the House of Representatives for concurrence.

Bills from the House of Representatives entitled, an act to fix and establish the dividing line between the counties of Tuscaloosa and Jefferson by visible, and marked boundaries; An act to alter the boundaries of certain counties therein named; An act to emancipate a certain slave therein named; and an act to emancipate certain persons therein named were severally read the third time and passed.

A bill to be entitled, an act further to amend the charter of the Bank of the State of Alabama; and an act to authorise a lottery for the building of an Academy and a Court House in Henry County were severally read the second time and ordered to be engrossed for a third reading on Monday next.

Joint Resolution proposing amendments to the constitution of the State of Alabama was read the second time and referred to the committee on the Judiciary to consider and report thereon.

Mr. Hubbard introduced a bill to be entitled, an act to amend the existing laws in relation to the duties of constables, which was read and ordered to a second reading on Monday next.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, Dec. 24th, 1827.

The Senate met pursuant to adjournment.

On motion of Mr. Jackson, ordered that the Joint Resolution for the encouragement of domestic manufactures introduced by Mr. McCamy on the 22d, instant be spread upon the Journals. The resolution is as follows: "Whereas it is believed that it is important to the prosperity of every good government that home manufactures should be encouraged,

Be it therefore Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor and members of both houses of the next General Assembly be requested to appear at their next Session in home made clothing."

Mr. Hubbard presented the petition of the commissioners and citizens of the 4th Township and eighth Range West from Huntsville praying the passage of a law reducing the minimum price affixed by the Legislature to the 16th Section in said Township, and also praying authority for an absolute sale of said section pursuant to the consent of the inhabitants of said Township as expressed in said petition; which was read and referred to the committee on Schools and Colleges and Shool and College Lands to consider and report thereon.

Mr. Hubbard also presented the petition of sundry inhabitants of Lawrence and Franklin Counties praying the passage of an act relieving John P. Robinson from any punishment which he may have incurred by the commission of a supposed criminal offence mentioned in the petition, which was read and referred to the committee on the Judiciary to consider and report thereon.

Mr. McCamy from the committee on propositions and grievances to which was referred a bill entitled, an act for the relief of James Holmes, reported the same without amendment.

Mr. Jackson moved that the bill lie on the table till the first day of June next, which was lost.—Yeas 9, nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Abercrombie, Barton, Earle, Hubbard, Jackson, Jones, McCarty, Powell, and Shackelford.

Those who voted in the negative are,

Mr. President, Ashe, Brown, Casey, Crabb, Evans, Irwin, Miller, Moore, Skinner, and Sullivan.

Ordered, that the bill be made the order of the day for a third reading on Wednesday next.

Mr. Barton from the special committee to which was referred the bill entitled, an act to aid in the endowment of a humane charity Hospital in the city of Mobile submitted the following report.

“The special committee to which was referred a bill from the House of Representatives to aid in the endowment of a humane charity Hospital in the city of Mobile have had the same under consideration and have directed me to Report, That the bill is founded on a memorial of the Mayor and Aldermen of said City, setting forth the utter inability of the corporate authority, in consequence of the late destructive fire to meet the necessary expenses of the City Hospital without pecuniary aid from the State, and that unless some assistance be afforded, the corporation will be compelled in justice to those whose interests they represent to discontinue that valuable and necessary public institution. The principal fact referred to in the memorial is notorious to the community and the committee see no reason to doubt the correctness of the conclusion which the memorialists have deduced from that fact viz, the necessity of discontinuing the Hospital establishment. Believing that an institution of this kind in our principal commercial City is highly necessary if not indispensable to the public interest, and that its establishment under auspices favourable to its permanency is an object well deserving Legislative regard. Your committee have deemed it proper to recommend to the Senate the expediency of passing the bill, and they offer this recommendation with the more cheerfulness from the consideration that the fund, a portion of which is proposed to be applied to the support of this great public charity, is derived from an item of the State Revenue's which is almost exclusively paid by the City of Mobile—They therefore report the bill without amendment.

Ordered, that the bill be made the order of the day for a third reading on Wednesday next.

Mr. Miller offered the following resolution: *Resolved*, That the Judiciary committee be instructed to enquire into the expediency of allowing persons holding claims against their respective counties to present them to the tax-collectors of said counties in payment of their county tax.

Mr. Jackson offered the following amendment to the Resolution “*Provided* the receipt of said claims does not interfere with that part of the county tax set apart in some of the counties in this State for the payment of jurors, which was adopted. The resolution as amended was then agreed to.

Mr. Powell introduced a bill to be entitled, an act prescribing certain duties to clerks of the circuit and county courts; which was read and ordered to a second reading on Wednesday next.

Mr. Hubbard introduced a bill to be entitled, an act regulating Judicial proceedings, which was read and ordered to a second reading on Wednesday next.

Mr. Hubbard also introduced a bill to be entitled, an act for the relief of Wyatt B. Cheatham which was read and ordered to a second reading

on Wednesday next.

Mr. Hubbard also introduced a bill to be entitled, an act regulating the fees of Sheriffs, Clerks, Attornies and other officers therein named, which was read and ordered to a second reading on Wednesday next.

Mr. Hubbard offered the following resolution: *Resolved*, That that the Judiciary committee be instructed to inquire into the expediency of procuring for the use of the citizens of this state, one copy of the acts of the Congress of the United States for the use of each county in the state to be deposited in the office of the clerk's of the county courts of the several counties which was adopted.

Mr. Hubbard also offered the following resolution: *Resolved*, That a committee be appointed to prepare a memorial to the Congress of the United States, requesting further relief to the purchasers of public lands within this state, who are now indebted to the United States—also to graduate the price of public lands, so as to give a right of preference in all cases of sale by the Government to the *bona fide* occupant, who purchased of the Government and who relinquished and retained possession, and to secure the occupant in possession a preference in the purchase of lands which have never been offered for sale by the United States—and also that said memorial contain a provision praying relief for those who have forfeited their lands on the terms above specified—which was adopted, whereupon Messrs. Hubbard, Jackson, and Sullivan, were appointed the committee.

The following communication was received from the Governor by J. I. Thornton, Secretary of State.

EXECUTIVE DEPARTMENT, Dec. 24, 1827.

The Hon. the President and members of the Senate:

Gentlemen—I have the pleasure to transmit you the annual Report of the Board of Trustees of the University of Alabama.

I have the honor to be, most respectfully, your obt. servt.

JOHN MURPHY.

Ordered, that the communication and Report lie on the table and that two hundred copies of the Report of the Trustees be printed for the use of the Senate.

Mr. Casey called up the report of the committee on propositions and grievances, submitted on the 22d instaut upon the subject of the damages sustained, by the purchasers at the first sale of lots, in the town of Cahawba in consequence of the removal of the seat of Government from said Town. Ordered, that the report be recommitted to the committee on propositions and grievances to consider and report thereon.

Mr. Evans offered the following resolution: *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the patrol laws as more effectually to prevent the unlawful assembly of slaves and other persons of color and that they have leave to report by bill or otherwise, which was adopted.

Mr. Casey offered the following resolution: *Resolved*, that the Cashier of the Bank of the State of Alabama be requested to inform the Senate on the following points: 1st. What amount of the funds of the Bank are set apart to be discounted to the different counties in this state on accommodation paper, and what amount of this sum each county has at this time of said fund. 2d. What amount each county has received of the other funds of the Bank and payable on the 1st January, and what amount remains unpaid. 3d. What amount has been purchased of bills of exchange

from the citizens of each county, and unpaid at this time at what date purchased. If any difference as to the time the bills had to be paid before payable, state the difference and from what county they were so purchased.

Mr. Jackson moved to amend the Resolution by striking out of the Cashier of the Bank" and inserting "the committee elected to examine the Bank," so as to make it the duty of the committee to furnish the information required in the resolution. Instead of the "Cashier," which was lost.

The Resolution was then adopted.

Mr. Earle introduced a bill to be entitled, an act to authorise John G. Creagh to bring into this state the slaves of his wards Anne D. H. H. and James H. H.; which was read and ordered to a second reading on Wednesday next.

Engrossed bills, entitled, an act to authorise a lottery for the purpose of building an Academy and Court House in the county of Henry; An act further to amend the charter of the Bank of the State of Alabama; and an act to authorise the Judge of the county court and commissioners of revenue and roads of Tuscaloosa County to hold a special court, were severally read the third time and passed.

Ordered, that the titles of the bills be as aforesaid and that they be reported to the House of Representatives for concurrence.

A bill to be entitled, an act to authorise John P. Neale agent of William A. Powell to emancipate John Robinson a man of color; An act reviving an act authorising a lottery for the benefit of the navigation of the Bullock's river; An act fixing the time of holding the Circuit Court of the several counties of this state; and An act to authorise the court of revenue and roads of the county of Wilcox to alter state roads in said county were severally read the second time and ordered to be engrossed for a third reading on Wednesday next.

Bills of the following titles to read. An act to legalize registering of certain deeds conveyances of land within this state; An act to amend the existing laws in relation to the duties of Constables; and An act concerning the estates of deceased persons, were severally read the second time and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled, an act for the relief of Richard G. G. John Duncan jr. and Henry Center, was read the second time and referred to the committee on propositions and grievances to consider and report thereon.

A bill to be entitled, an act to amend the 3d section of an act passed at the last session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state, and Georgia, was read the second time and ordered to lie on the table till Wednesday next.

Engrossed Joint Resolution proposing to the people of this state to amend the 13 section of the 5th article of the constitution, was read the third time ordered to lie on the table till Wednesday next.

A bill to be entitled, an act to authorise the Judge of the county court of Monroe County and the commissioners of roads and revenue to levy a special tax for the purpose therein mentioned; and An act for the relief of Dugald M'Farlane, were severally read the second time and ordered to a third reading on Wednesday next.

A bill to be entitled, an act to authorise James M. Mann, William Love, John Gardner, and Ransom Davis, to enter a certain quantity of land for the purposes therein mentioned, was read the second time and referred to the committee on Schools and Colleges and Schools and Col-

Large Lands to consider and report thereon.

A bill to be entitled, an act declaring Elk River and Big Shoal Creek, public highways, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

Ordered, that the bill entitled, an act to establish an office of Discount and Deposit of the Bank of the State of Alabama in the northern part of this state, lie on the table till Friday next.

Mr. Barton introduced a bill to be entitled, an act to provide for the translation and preservation of the Spanish Records of this state, which was read and ordered to a second reading on Wednesday next.

Mr. Evans offered the following resolution: *Resolved*, that the Judiciary committee be instructed to enquire into the expediency of repealing an act amendatory to an act concerning divorces passed 21st Dec. 1821, and that they have leave to report by bill or otherwise; which was adopted.

Mr. Lark on offered the following resolution: *Resolved*, that the establishment of an office of Discount and Deposit of the State Bank would be in effect, the establishment of a Branch Bank, and that no such office or Branch can be constitutionally established but by a vote of at least two thirds of each house of the General Assembly.

Mr. McCarty moved that the Resolution lie on the table till the first day of April next; which was lost.—Yea 6, nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Evans, Hubbard, McCamy, Miller, and Sullivan.

Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Crabb, Earle, Irwin, Jackson, Jones, Moore, Poole, and Shackelford.

Ordered, that the Resolution lie on the table till Wednesday next.

Mr. Barton introduced a bill to be entitled, an act to authorise the clerks of the several county courts to register the reports of certain officers therein named, which was read and ordered to a second reading on Wednesday next.—And then the Senate adjourned till Wednesday morning at 10 o'clock.

Wednesday, Dec. 26th, 1827.

The Senate met pursuant to adjournment.

On motion of Mr. Barton ordered, that the Resolution prohibiting the introduction of new business after Monday last be rescinded so far as relates to petitions.

Mr. Crabb presented the petition of sundry citizens of Morgan County praying the passage of a law authorising the county court of said county to levy a special tax for the purpose of building a Jail, which was read and referred to a special committee consisting of Messrs. Crabb, McCamy, and Brown to consider and report thereon.

The Resolution prohibiting the introduction of new business after Monday last being suspended, Mr. Hubbard obtained leave to introduce a bill to be entitled, an act defining the powers of the county courts, which was read and ordered to a second reading tomorrow.

Mr. Barton from the committee on the Judiciary to which was referred a Resolution instructing them to enquire into the expediency of so amending the law now in force, as to require all executions from Justices of the Peace, sent from one county to another, to be directed to the sheriff of the county to which they may be sent. Reported, that it would be inexpedient to make the proposed amendment which was concurred in.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act for the relief of special bail, reported the same without amendment. Ordered, that the bill be engrossed and made the order of the day for

a third reading to-morrow.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act altering the punishment of Forgery and Counterfeiting in certain cases, reported the same as amended; which was concurred in.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to which was referred a bill from the House of Representatives entitled, an act to give a more summary remedy on bonds to keep the prison bounds and to surrender property with a view to take the insolvent oath, reported that it would be inexpedient in the opinion of the committee, to pass the bill, which was concurred in.

Mr. Barton from the same committee to which was referred the petition of sundry citizens of Lawrence and Franklin Counties praying that John P. Robinson a fugitive from the laws, may be allowed to return to the state and that the operation of the laws in relation to the offence which the said John P. Robinson may have committed be suspended, reported that the said petition is unreasonable and ought not to be granted, which was concurred in.

Mr. Barton from the same committee to which was referred a resolution in relation to the unlawful assembly of slaves reported a bill to be entitled, an act to prevent the unlawful assembly of slaves, and for other purposes; which was read and ordered to a second reading to-morrow.

Mr. Barton from the same committee to which was referred a resolution instructing them to enquire into the expediency of allowing persons holding claims against their respective counties to present them to the tax collectors in payment of their county taxes, reported that it is inexpedient to pass such a law which was concurred in.

Mr. Hubbard from the committee on the Judiciary to which was referred a Joint Resolution proposing to amend the constitution so as to have biennial Sessions of the General Assembly reported the same as amended; which was concurred in.

Ordered, that the Resolution be made the order of the day for a third reading to-morrow.

A message from the House of Representatives by Mr. Tunstall their clerk—Mr. President the House of Representatives concur in the amendments made by the Senate to bills of the following titles *to wit:* An act to repeal in part an act passed the 27th Dec. 1814; An act to alter the boundaries of certain counties therein named; and An act to fix and establish the dividing line between the counties of Tuskaloussa and Jefferson by visible and marked boundaries.

They have passed a bill which originated in the senate entitled, an act to change the time of holding the county court of Monroe County.

Mr. Hubbard from the committee on the Judiciary to which was referred a Joint resolution proposing amendments to the constitution of the State of Arkansas, reported the same as amended.

Ordered, that the resolution and amendments proposed by the committee be on the table.

Mr. Jackson moved to reconsider the vote of the senate on refusing the Joint resolution proposing to amend the constitution as a whole and as a part of the General Assembly was then reading to the senate which was carried. The resolution was then read the third time and on the question being put shall the resolution pass? it was agreed and so the resolution

a majority of two thirds being necessary.—Yeas 11, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Ashe, Brown, Crabb, Hubbard, Jackson, Jones, McCamy, Miller, Moore, and Skinner.

Those who voted in the negative are, Messrs. Abercrombie, Barton, Casey, Earle, Evans, Irwin, Merriwether, Powell, Shackelford, and Sullivan.

On motion of Mr. Hubbard, ordered that the Judiciary Committee be discharged from the further consideration of the Joint resolutions proposing amendments to the constitution, which originated in the Senate, and which relate to the annual sessions of the Legislature.

Mr. Hubbard then called up the Joint Resolution proposing amendments to the Constitution of the State of Alabama.

Ordered, that the resolution be recommitted to a special committee consisting of Messrs. Barton, Hubbard, and Casey, to consider and report thereon.

Engrossed bills entitled, an act fixing the times of holding the orphans court of the several counties in this State; An act to authorise John P. Neale agent of William A. Powell to emancipate John Robinson a man of color; An act reviving an act authorising a Lottery for the benefit of the navigation of the Battelatchee river; and, An act to authorise the court of revenue and roads of Wilcox County to alter State roads in said county were severally read the third time and passed. Ordered, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

The Senate resumed the consideration of the resolution offered by Mr. Jackson upon the subject of the majority of votes necessary, under the provisions of the constitution for the establishment of a Branch Bank.

Ordered, that the Resolution lie on the table till Friday next.

A bill to be entitled, an act for the relief of James Holmes, was read the third time and rejected.—Yeas 9, nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Ashe, Brown, Casey, Crabb, Irwin, Miller, Skinner, and Sullivan.

Those who voted in the negative are, Messrs. Abercrombie, Barton, Earle, Evans, Hubbard, Jackson, Jones, McCamy, Merriwether, Moore, Powell, and Shackelford.

A bill to be entitled, an act to aid in the endowment of a Humane Charity Hospital in the City of Mobile; and an act for the relief of Dugald M'Farlane were severally read the third time and passed.

A bill to be entitled, an act to authorise the Judge of the county court of Monroe County and commissioners of revenue and roads to levy a special tax for the purpose therein mentioned, was read the third time and committed to a special committee consisting of Messrs. Evans, Earle, and Casey, to consider and report thereon.

A bill to be entitled, an act to amend the 3d section of an Act passed at the last Session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this State and Georgia, was read the second time.

Mr. Jones moved that the bill lie on the table till the first day of May next which was lost.—Yeas 7, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Crabb, Earle, Jackson, Jones, and Powell.

Those who voted in the negative are, Messrs. Ashe, Barton, Brown, Casey, Evans, Hubbard, Irwin, McCamy, Merriwether, Miller, Moore, Shackelford, and Sullivan.

Ordered, that the bill lie on the table till to-morrow.

On motion of Mr. Powell, ordered that the engrossed Joint Resolution proposing to the people of this State to amend the 12th Section of the 5th article of the constitution lie on the table till the first day of June next.

A bill to be entitled, an act prescribing certain duties to Clerks of the circuit and county courts; An act regulating the fees of Clerks, Sheriffs, Attorneys, and other officers therein named; An act regulating Judicial proceedings; and, An act for the relief of Wyatt Cheatham, were severally read the second time and referred to the committee on the Judiciary to consider and report thereon.

Mr. Barton from the special committee to which was referred a Joint Resolution proposing amendments to the Constitution of the State of Alabama reported the same with sundry amendments, which were concurred in.

Ordered, that the Resolution as amended be made the order of the day for a third reading to-morrow.

A bill to be entitled, an act to require the Clerks of the several county courts to register the annual reports of certain officers therein named, was read the second time and referred to a special committee consisting of Messrs. Brown, Hubbard, and Shackelford, to consider and report thereon.

A bill to be entitled, an act to authorize John G. Creagh, to bring into this State the slaves of his wards Anna D. Houze, and James Houze, was read the second time and ordered to be engrossed for a third reading to-morrow.

A message from the Governor by J. I. Thornton Esq.—Mr. President, the Governor did on the 20th instant approve and sign; An act to amend an act entitled, an act excluding from suffrage, serving as jurors and holding offices such persons as may be convicted of Bribery, Forgery and other high crimes and misdemeanors; and on this day An act to give Justices of the Peace jurisdiction of certain contracts therein named; An act for the benefit of the Pikesville Library Company; and, An act for the relief of William Ferguson, all of which originated in the Senate.

On motion of Mr. Barton, ordered that the bill entitled, an act to provide for the translation and preservation of the Spanish Records of this State lie on the table.

Mr. Abercrombie obtained leave to introduce a Joint Resolution authorizing and requiring the Governor to procure an accurate map of this State; which was read. The rule requiring Joint Resolutions to be read on three several days being dispensed with, the resolution was read the second time forthwith and referred to a special committee consisting of Messrs. Hubbard, Sullivan, and Abercrombie, to consider and report thereon.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, Dec. 27th, 1827.

The Senate met pursuant to adjournment.

Mr. M'Camy from the committee on propositions and grievances to which was referred a bill to be entitled, an act for the relief of Richard Corre, John Duncan jr. and Henry Center, reported the same without amendment.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. M'Camy from the same committee to which was referred the memorial of John D. Terrell, reported a bill to be entitled, an act to make further compensation to John D. Terrell for services rendered in closing the unsettled accounts between this State and Mississippi; which was read and ordered to a second reading to-morrow.

Mr. M'Camy from the same committee to which was referred the petition of William B. Allen, claiming indemnity for losses sustained as public Printer, reported that the prayer of the petition is unreasonable and ought not to be granted.

On motion of Mr. Casey ordered, that the report lie on the table.

Mr. McCamy from the same committee to which was recommitteed, a report heretofore made by the committee on propositions and grievances upon the subject of the losses sustained by the first purchasers of lots in the Town of Cahawba, in consequence of the removal of the seat of government from said Town, and also sundry other documents relating thereto reported "that the committee are of opinion that the purchasers and holders of Lots sold at the first sale of Lots in the Town of Cahawba have sustained damage in consequence of the removal of the seat of Government from said Town—but to what amount your committee are not informed," which was concurred in.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act relative to offsets before Justices of the Peace and for other purposes; An act to alter the boundary line between the counties of Shelby and Autauga; An act to revive and continue in force an act passed the 31st day of Dec. 1822 entitled, an act to incorporate the Town of Jonesborough in the county of Jefferson; An act to provide for ascertaining the sense of the citizens of Autauga County with regard to the seat of Justice in said county; An act to incorporate the Blakely and Greenville Turnpike Company—all of which were accordingly signed by Mr. President.

Mr. Barton from the Judiciary committee to which was referred a bill to be entitled, an act regulating Judicial proceedings, reported the same as amended; which was concurred in.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act concerning the estates of deceased persons, reported the same as amended; which was concurred in.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act declaring Elk river and Big Shoal creek public Highways, reported that it is inexpedient to pass the bill; which was concurred in.

Mr. Abercrombie from the committee on county boundaries to which was referred a resolution on the subject reported a bill to be entitled, an act to annex additional Territory to Bibb County so as to make the same constitutional, which was read and ordered to a second reading tomorrow.

Mr. Casey moved to reconsider the vote of the Senate on the passage of the bill entitled, an act for the relief of Dugald M'Farlane, which was carried. Ordered, that the bill lie on the table.

Mr. Jackson offered the following resolution: *Resolved*, That the Joint resolutions proposing amendments to the constitution of the State of Alabama, be referred to the Judiciary committee with instructions to amend the same so as to provide for the election of the Judge of each Circuit in this State by the qualified voters thereof.

Mr. Casey proposed a question of order and called upon the President to determine, whether, or not, the resolution offered by Mr. Jackson, was in order, the Joint resolution to which it relates not being actually under consideration. The President determined the question in the affirmative, and decided that it was not competent for him so far to control the proceedings of the Senate as to declare the resolution out of order—and that the

resolution presented a question properly determinable by the Senate.

From this decision Mr. Casey appealed to the Senate and the question being put on sustaining the decision of the President, it was determined in the negative.—Yeas 7, nays 18.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Abercrombie, Barton, Brown, Earle, Jackson, Powell, and Shackleford.

Those who voted in the negative are, Messrs. Ashe, Casey, Crabb, Evans, Hubbard, Irwin, Jones, M'Camy, Merriwether, Miller, Moore, Skinner, and Sullivan.

On motion of Mr. Jackson the Joint resolution proposing amendments to the constitution of the State of Alabama was then taken up for consideration.

Mr. Jackson thereupon offered the following resolution: *Resolved*, That the Joint resolutions proposing amendments to the constitution of the State of Alabama be referred to the Judiciary committee with instructions to amend the same so as to provide for the election of the Judge of each Circuit in this State by the qualified voters thereof; which was rejected.—Yeas 7, nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Ashe, Brown, Earle, Jackson, Merriwether, and Powell.

Those who voted in the negative are, Messrs. Abercrombie, Barton, Casey, Crabb, Evans, Hubbard, Irwin, Jones, M'Camy, Miller, Moore, Shackleford, Skinner, and Sullivan.

The Joint resolution proposing amendments to the constitution of the State of Alabama, was then read the third time and ordered to lie on the table till to-morrow.

Mr. Miller moved to suspend the resolution prohibiting the introduction of new business after Monday last with a view of offering a resolution, which he read; which motion was lost.

A message from the House of Representatives by Mr. Tunstall their clerk—Mr. President, the House of Representatives have read three times and passed a bill which originated in the Senate entitled, an act to authorise the Judge of the county court, and the commissioners of revenue and roads of Tuskaloosa County to hold a special court.

They have also passed a Joint Resolution instructing His Excellency the Governor to cause the remains of the late Israel Pickens to be removed from the Island of Cuba to his late residence in Greene County.

They have passed bills which originated in their House entitled, an act to amend and explanatory of an act to authorise William H. Ragsdale and his associates to Turnpike a road therein specified, passed 14th day of January 1826; an act to apportion the Representatives among the several counties in this State and divide the State into Senatorial districts according to the late census; An act for the relief of William Jones of Walker County; An act to provide for the support of paupers in the counties of Madison, Autauga, Tuskaloosa, and Clarke; and An act to divorce Winney Gaines from Francis T. Gaines.—In which they desire your concurrence.

They have adopted the following Resolution in which they desire your concurrence. *Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Representative Hall at 3 o'clock P. M. on Saturday next for the purpose of electing a Judge of the county court for the county of Autauga.

Bills from the House of Representatives entitled, an act to apportion the Representatives among the several counties in this State and divide the state into Senatorial districts according to the late census; An act for the relief of William Jones of Walker County; An act to divorce Winney Gaines from her husband Francis T. Gaines; and An act to provide for the support of paupers in the counties of Madison, Autauga, Tuscaloosa, and Clarke, were severally read the first time and ordered to a second reading to-morrow.

A bill from the House of Representatives entitled, an act to amend and explanatory of an act to authorise William H. Ragsdale and his associates to Turpike a road therein specified passed 14th day of January 1826, was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed.

A Joint resolution instructing His Excellency the Governor to cause the remains of the late Israel Pickens to be removed from the Island of Cuba to his late residence in Greene County, was read and ordered to a second reading to-morrow.

Mr. Jackson moved to amend the resolution from the House of Representatives proposing to elect a Judge of the county court of Autauga, on Saturday next at 3 o'clock by striking out 'three' and inserting "one o'clock," which was carried.—The resolution as amended was then agreed to. Ordered, that the Secretary acquaint the House of Representatives therewith. And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, Dec. 28th, 1827.

The Senate met pursuant to adjournment.

Mr. Shackelford from the committee on Schools and Colleges and School and College Lands to which was referred a petition on the subject, reported a bill to be entitled, an act to incorporate the School commissioners of the fourth Township and eighth Range west from Huntsville and for other purposes, which was read and ordered to a second reading to-morrow.

Mr. Evans from the special committee to which was referred a bill to be entitled, an act to authorise the Judge of the county court of Monroe County and the commissioners of roads and revenue to levy a special tax for the purposes therein mentioned, reported the same as amended which was concurred in.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

Mr. Barton from the committee on the Judiciary to which was referred a resolution instructing them to enquire into the expediency of repealing an act amendatory to an act concerning divorces passed 21st Dec. 1824, reported a bill to be entitled, an act to revive an act therein specified and for other purposes; which was read and ordered to a second reading to-morrow.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act relative to the duties of Constables, reported a substitute for the bill as an amendment; which was adopted.

Ordered, that the bill as amended be engrossed and made the order of the day for a third reading to-morrow.

Mr. Earle from the committee on Inland Navigation to which was referred so much of the Governor's message as relates to the subject of inter-

nal improvement reported that the committee had instructed him to ask to be discharged from the further consideration thereof, which was agreed to.

Mr. Earle from the committee to which was referred the petition of sundry citizens of St. Clair County, reported a bill to be entitled, an act to declare Cane creek in St. Clair County a public Highwry; which was read and ordered to a second reading to-morrow.

Mr. Crabb from the military committee to which was referred the petition of William Hickman and others praying the passage of a law authorising the formation of a Captains beat asked to be discharged from the further consideration of the petition; which was agreed to.

Mr. Crabb from the same committee to which was referred the petition of sundry citizens of the County of Marion praying the passage of a law incorporating a company of Cavalry in the 16th Regiment 4th Brigade of the Alabama Militia, asked to be discharged from the further consideration thereof, as the existing Militia laws are sufficient to embrace the object of the petition; which was agreed to.

Mr. Moore moved that the petitions mentioned in the above reports be referred to a special committee which was carried; whereupon Messrs. Moore, Crabb, and Hubbard, were appointed the committee.

Mr. Crabb from the same committee to which was referred the report of the Adjutant General reported that the same is made in conformity with law so far as the division returns have been received by the Adjutant General, and asked to be discharged from the further consideration of the report, which was agreed to.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act to repeal in part an act passed 27th Dec. 1814; An act to fix and establish the dividing line between the counties of Tuscaloosa and Jefferson by visible and marked boundaries; An act to emancipate a certain slave therein named; An act to authorise the county court of Butler County to make further sales of Lots in Greenville; An act to authorise the administrator of Daniel Mitchell to make and receive assurances of title to certain real estate; An act to amend a certain act therein named; and, An act to authorise the Judge of the county court and commissioners of revenue and roads of Tuscaloosa County to hold a special court— all of which were accordingly signed by Mr. President.

Mr. President laid before the Senate a communication from John B. Cook Esq. Cashier of the Bank of the State of Alabama, transmitting statements from the Books of the Bank containing the information requested of him by a resolution of the Senate of the 24th instant.

Ordered, that the communication lie on the table and that fifty copies of the statements furnished by the Cashier be printed for the use of the Senate.

A message from the House of Representatives by Mr. Tunstall their clerk—Mr. President, the House of Representatives have passed bills which originated in the Senate entitled, an act relative to the duties of grand juries; and, An act to incorporate the Summerville Philomatheon society.—They have also passed bills and Joint Resolutions which originated in their House entitled, an act in relation to a certain fund therein named; Joint Resolution in relation to the Cherokee boundary; Joint Resolution in relation to an exchange of sixteenth sections; and, An act to authorise Josiah D. Lister administrator of the estate of Charles Varion deceased, to settle his accounts in the circuit court of Washington County.

In all of which they desire your concurrence.

A bill to be entitled, an act in relation to a certain fund therein named, was read—and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed.

Joint Resolution in relation to the Cherokee boundary; Joint Resolution in relation to an exchange of sixteenth sections; and, An act to authorise Josiah D. Lister administrator of the estate of Charles Vivion deceased, to settle his accounts in the circuit court of Washington County were severally read the first time and ordered to a second reading tomorrow.

Mr. Hubbard from the special committee to which was referred a bill to be entitled, an act to incorporate the Town of Courtland in the county of Lawrence, reported the same as amended; which was concurred in.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

Engrossed bills to be entitled, an act to authorise John G. Creagh to bring into this state the slaves of his wards Anne D. Houze, and James Houze; and an act for the relief of appearance bail, were severally read the third time and passed.

Ordered, that the titles of the bills be as aforesaid and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act to amend the third section of an act passed at the last Session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia was taken up.

Mr. Jackson offered the following resolution: *Resolved*, That that a bill to be entitled, an act to amend the third section of an act, passed at the last Session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia, be referred to a special committee with instructions to report to this House all the facts relative to the services rendered by the individual for whom said bill provides compensation and the authority under which he acted and to report such amendments to said bill, if any, as they may think necessary which was adopted, whereupon Messrs. Jackson, Hubbard, and Barton, were appointed the committee.

Mr. Hubbard offered the following resolution: *Resolved*, that his Excellency the Governor be requested to furnish this House such information as he may have in possession respecting the necessity of making the appointment of a third commissioner to adjust the boundary line between this state and Georgia together with his Excellency's reasons for making said appointment.

Mr. Jackson moved to amend the resolution by adding the words "and by what authority he made such appointment" after the word "Georgia, in said resolution; which was carried.

The resolution as amended was then adopted.

A bill to be entitled, an act altering the punishment of Forgery and Counterfeiting in certain cases, was read the third time as amended and passed.

A bill to be entitled, an act defining the powers of the county court, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

A bill to be entitled, an act to prevent the unlawful assembly of slaves and for other purposes, was read the second time, amended, and ordered

to be engrossed for a third reading to-morrow.

A bill from the House of Representatives entitled, an act concerning the estates of deceased persons, was read the third time and passed.

A bill to be entitled, an act to make further compensation to John D. Terrell for services rendered in closing the unsettled accounts between this State and Mississippi, was read the second time.

Mr. Powell moved to amend the bill so as to allow a like sum to M. D. Williams the associate commissioner of Mr. Terrell in adjusting the unsettled accounts between this State and Mississippi.

Ordered, that the bill and proposed amendment be referred to a special committee consisting of Messrs. Jackson, Hubbard, and Barton, to consider and report thereon.

A bill to be entitled, an act to annex additional Territory to Bibb County so as to make the same constitutional, was read the second time.

Mr. Sullivan offered the following amendment to the bill "Sec. 3. *And be it further enacted.* That sections eighteen and nineteen, Township 22 in Range six west of the basis meridian of Huntsville be and the same are hereby added to Bibb County.

SEC. 4. *And be it further enacted,* That from the north west corner of section 18 in Township twenty-two to the south west corner of section seven, Township twenty-one on the dividing line between Range six and seven west of the basis meridian of Huntsville, be and the same is hereby added to Bibb County," which was rejected.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

An engrossed bill to be entitled, an act regulating Judicial proceedings was read the third time and recommitted to the committee on the Judiciary to consider and report thereon.

An engrossed bill to be entitled, an act for the relief of Richard Corre, John Duncan jr. and Henry Center, was read the third time and ordered to lie on the table till to-morrow.

The Senate resumed the consideration of the Joint resolution proposing amendments to the constitution of the State of Alabama.

Mr. Hubbard offered the following amendment to the resolution by way of Ryder "*And be it further resolved.* That if on the ratification of the foregoing amendments there should not be more than six Judicial circuits in this State, the Judges of said courts shall be as nearly as may be, classed in conformity with the foregoing resolutions so that not more than one Judge shall be elected at any one Session of the General Assembly;" which was read three several times and adopted.

The question was then put "shall the resolution pass?" and determined in the affirmative.—Yeas 15, nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Abercrombie, Ashe, Barton, Casey, Crabb, Evans, Hubbard, Irwin, Jones, M'Camy, Miller, Moore, Shacklesford Skinner, & Sullivan. Those who voted in the negative are, Mr. President, Brown, Earle, Jackson, Merriwether, and Powell. So the Resolution was passed.

Joint resolutions instructing his Excellency the Governor to cause the remains of the late Israel Pickens to be removed from the Island of Cuba to his late residence in Greene County, were read the second time.

Mr. Jackson moved that the Resolution lie on the table, which was carried.—Yeas 12, nays 9.

The yeas and nays being desired, those who voted the affirmative are, Mr. President, Abercrombie, Ashe, Brown, Earle, Jackson, Jones, McCamy, Miller, Powell, Shackelford, and Skinner.

Those who voted in the negative are, Messrs. Barton, Casey, Crabb, Evans, Hubbard, Irwin, Merriwether, Moore, and Sullivan.

A bill to be entitled, an act to apportion the Representatives among the several counties in this State and to divide the State into Senatorial districts according to the late census, was read the second time and referred to the committee on the apportionment to consider and report thereon.

A bill to be entitled, an act to provide for the support of Paupers in the counties of Madison, Autauga, Tuscaloosa, & Clarke, were read the second time and ordered to a third reading to-morrow.

A bill to be entitled, an act for the relief of William Jones of Walker County was read the second time.

Mr. Barton offered an amendment to the bill which together with the bill was ordered to lie on the table till to-morrow.

A bill to be entitled, an act to divorce Winney Gaines from Francis T. Gaines, was read the second time and ordered to a third reading to-morrow.

Mr. Casey offered the following resolution: *Resolved*, That the Judiciary committee be instructed to enquire into and report to this House whether any amendment to the law in relation to the public printing be necessary and report by bill or otherwise, which was adopted.

And then the Senate adjourned till to-morrow morning at 10 o'clock

Saturday, Dec. 29th, 1827.

The Senate met pursuant to adjournment.

Mr. Moore presented the petition of sundry citizens of Marion County praying the passage of a law appointing commissioners to lay out a public road through said county; which was referred to the committee on roads, bridges and ferries to consider and report thereon.

Mr. Hubbard obtained leave to introduce a bill to be entitled, an act regulating the duties of Attornies at law, and for other purposes; which was read and ordered to a second reading on Monday next.

Mr. Earle from the committee on Inland Navigation to which was referred the memorial of the Commissioners appointed by an act of the last Session, to receive subscriptions for the stock of the Muscle shoals Canal company, reported a bill to be entitled, an act to repeal in part and amend an act entitled, an act to incorporate the Muscle shoal Canal company; which was read, and ordered to a second reading on Monday next.

Mr. Earle from the same committee to which was referred the same memorial, reported a bill to be entitled, an act for the appointment of an Engineer to make a survey and estimate of the expense of opening the Muscle shoals in the Tennessee river, which was read and ordered to a second reading on Monday next.

Mr. Earle from the same committee to which was referred the same subject reported, a memorial to the Congress of the United States praying for a donation of the unsold and relinquished lands in the Huntsville land district, for the improvement of the navigation of the Tennessee river; which was read and ordered to a second reading on Monday next.

Mr. Shackelford from the committee on Schools & Colleges and School & College Lands to which was referred a bill to be entitled, an act to authorize James Mahan, William Lovelady, John Gardner, and Ransom Davis to enter a certain quantity of University land for the purpose therein mentioned, reported the same without amendment. The bill was

then read the third time and passed.

Ordered; that it be returned to the House of Representatives.

Mr. Barton from the committee on the Judiciary to which was referred a bill to be entitled, an act to legalize registering certain deeds or conveyances of land in this State reported a substitute for the original bill by way of amendment which was concurred in.

Ordered, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr. Barton from the same committee to which was referred a bill entitled, an act regulating the fees of Sheriffs, Clerks, Attorneys and other officers therein named, reported the same without amendment.

Ordered, that the bill lie on the table till Monday next.

Mr. Barton from the same committee to which was referred a resolution instructing them to enquire into the expediency of procuring for the use of the citizens of this state one copy of the acts of the Congress of the United States to be deposited in the office of the Clerks of the county courts of the several counties, reported a bill to be entitled, an act to provide the Clerks of the several counties in this State with copies of the acts of the present and each succeeding Congress of the United States and for other purposes; which was read and ordered to a second reading on Monday next.

Mr. Barton from the same committee to which was referred a bill from the House of Representatives entitled, an act to provide for the more speedy trial of chancery causes, reported, that it would be inexpedient in the opinion of the committee to pass the bill; which was concurred in.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act to alter the boundaries of certain counties therein named; which was accordingly signed by the President.

Mr. Barton called up the bill to be entitled, an act to provide for the translation and preservation of the Spanish Records of this State, and moved to strike out all the bill after the enacting clause and to substitute another in lieu thereof; which was carried.

Ordered, that the bill as amended be engrossed and made the order of the day for a third reading on Monday next.

Mr. Jackson offered the following resolution: *Resolved*, That a committee be appointed to enquire whether the Public Printer, has neglected to perform his duty under the orders of this House, and if he has been guilty of such neglect to report to this House, such remedy as they may think necessary to insure the faithful performance of the Public Printing; which was adopted, whereupon Messrs. Jackson, Casey, and Shackelford were appointed the committee.

A message from the House of Representatives by Mr. Tunstall.

Mr. President, the House of Representatives have passed a bill which originated in the Senate entitled, an act to provide for the location of the University of the State of Alabama, and have amended the same as herewith shewn. In which amendment they desire your concurrence.

They have also passed bills which originated in the House of Representatives entitled, an act to regulate the inspection of Tobacco in this State; An act to authorise the raising of three thousand dollars for the purpose of building a bridge across Shoal creek; An act to amend an act entitled, an act to incorporate the Town of Mooresville and for other purposes passed the 16th day of November 1818; An act to locate the seat of Justice in the county of Tuscaloosa; and an act for the relief of Chaswell R. Clifton Tax-Collector of Madison County.—In all of which they desire your concurrence.

They concur in the amendment made by the Senate to the Resolution proposing to go into the election of Judge of the county court of Autauga County to-day by striking out "three, and inserting 'one o'clock'".

Mr. Abercrombie moved to amend the amendment made by the House of Representatives to the bill entitled, an act to provide for the location of the University of the State of Alabama, by striking out the words "thirty first of December" the day on which the bill provides that the location shall be made by Joint vote of both houses and insert the "twenty ninth day of December at 4 o'clock P. M.;" which was carried.

Mr. Jackson moved further to amend the amendment made by the House to the bill by striking out the words "within fifteen miles" where the amendment authorises the Trustees to erect the 'building' within "fifteen miles" of the place selected, and to insert in lieu thereof the words "within five miles," which was lost.

Ordered, that the Senate concur in the remainder of the amendments made by the House of Representatives to the bill.

Ordered, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the House of Representatives entitled, an act to authorise the raising of three thousand dollars for the purpose of building a Bridge across Small Creek; and, an act to amend an act entitled, an act to incorporate the town of Mooresville, and for other purposes passed the 16th day of November 1848, were severally read the first time and ordered to a second reading on Monday next.

Mr. Crabb obtained leave to introduce a bill entitled, an act to establish an office of Discount and Deposit of the Bank of the State of Alabama in the northern part of this State; which was read. The rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith.

Mr. Crabb moved to amend the bill by adding the following words "Provided said office of Discount and Deposit shall be located in some Town within seven miles of the Tennessee river" which was lost.—Yeas 9, nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Barton, Brown, Crabb, Earle, Jackson, Jones, Shackelford, and Skinner.

Those who voted in the negative are, Messrs. Ashe, Casey, Evans, Hubbard, Irwin, M'Camy, Merriwether, Miller, Moore, Powell, and Sullivan.

Mr. Jackson moved to amend the bills by striking out the county of "Lauderdale" wherever it occurs in the bill.

Mr. Davis having substituted Mr. Casey in the chair moved to amend Mr. Jackson's motion by striking from the bill the county of "Limestone" wherever it occurs.

Mr. Crabb moved further to amend the motion by striking from the bill the county of "Morgan" wherever it occurs.

Mr. Skinner moved further to amend the motion by striking from the bill the county of "Franklin" wherever it occurs.

Mr. Sullivan moved that the Senate adjourn till one o'clock to day; which was lost.—Yeas 4, nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. M'Camy, Miller, Shackelford, and Sullivan.

Those who voted in the negative are, Mr. President, Ashe, Barton,

Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jackson, Jones, Merriwether, Moore, Powell, and Skinner.

Mr. Hubbard moved that the bill entitled, an act to establish an office of Discount and Deposit of the Bank of the State of Alabama in the northern part of this State, lie on the table till Monday next; which was lost.—Yeas 8, nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Casey, Evans, Hubbard, Irwin, M'Camy, Merriwether, Miller, and Sullivan.

Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Crabb, Earle, Jackson, Jones, Moore, Powell, Shackelford, and Skinner.

The question was then put on the motions to amend Mr. Jackson's motion by striking from the bill the counties of "Limestone, Morgan and Franklin" and determined in the affirmative.—Yeas 13, nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Crabb, Earle, Irwin, Jackson, Jones, Powell, Shackelford, and Skinner.

Those who voted in the negative are, Messrs. Casey, Evans, Hubbard, M'Camy, Merriwether, Miller, Moore, and Sullivan.

Mr. Crabb then moved that the bill lie on the table till the third Monday in November next; which was carried.—Yeas 15, nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Crabb, Earle, Irwin, Jackson, Jones, Merriwether, Moore, Shackelford, and Skinner.

Those who voted in the negative are Messrs. Evans, Hubbard, M'Camy, Miller, Powell, and Sullivan.

A message was received from the House of Representatives by Mr. Tunstall their clerk inviting the Senate to assemble in the Representative Hall for the purpose of going into the election of a Judge of the county court of Autauga County according to a previous resolution, whereupon the members of the Senate repaired to the Representative Hall and having taken their seats, and the object of the meeting being announced by the President—the two Houses proceeded to elect a Judge of the county court of Autauga County.

Alwin A. M'Whorter alone being in nomination.

Those who voted for Alwin A. M'Whorter are, Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Crabb, Earle, Hubbard, Irwin, Jackson, Jones, M'Camy, Merriwether, Miller, Moore, Powell, Shackelford, Skinner, Sullivan, of the Senate. Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durrett, Duke, Edmonson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lewis, Martin, M'Vay of Laud, M'Vay of Law, Massey, M'Rae of Frank, Moore of Jack, Moore of Mad, Perkins, Rainey, Ratlier, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Smith of Clark, Stone, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, & Wiggins—74.

Alwin A. M'Whorter having received all the votes present Mr. Speaker therefore declared him duly elected Judge of the county court for Autauga County.

The election being completed the Senate withdrew, returned to their own chamber, and Mr. President resumed the chair.

Mr. Hubbard from the committee on the Judiciary to which was referred a bill to be entitled, an act for the relief Wyatt Cneatham, reported a substitute as an amendment to the bill which was agreed to.

Ordered, that the bill lie on the table till Monday next.

And then the Senate adjourned till 4 o'clock this evening.

Evening Session December, 29th 1827.

A message from the House of Representatives by Mr. Tunstall their clerk—Mr. President, the House of Representatives concur in the amendment made by the Senate to their amendment to the bill entitled, an act to provide for the location of the University of the State of Alabama.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act to provide for the location of the University of the State of Alabama—which was accordingly signed by Mr. President.

On motion of Mr. Barton, ordered that Mr. Abercrombie have leave of absence from the Senate for the remainder of the Session after to-day.

A message from the Governor by J. I. Thornton Esq. Mr. President, the Governor did on this day approve and sign an act to provide for the location of the University of the State of Alabama—which originated in the Senate.

A message from the House of Representatives by Mr. Tunstall their clerk—Mr. President, the House of Representatives have adopted the following resolution: *Resolved*, That the Senate be informed that the House of Representatives is now ready to receive them for the purpose of going into the election of a site for the University—whereupon the members of the Senate repaired to the Hall of the House of Representatives, and after having taken the seats assigned them—Mr. President, arose and announced the object of the meeting—when the two Houses proceeded by Joint vote, to the selection of a site for the University of the State of Alabama pursuant to the provisions of an act of the present Session.

The University lands near Gages; Greensborough in Greene County; Lagrange in Franklin County; Athens in Lincoln County; Montevallo in Shelby County; Honeycomb Springs in Jackson County; Sommersville in Morgan County; Moulton in Lawrence County; Davis's in Putnam County; Greenville in Butler County; Tuscaloosa, Elyton & Village Springs being on nomination. The votes stood thus.—For Gages 1.—Greensborough 6.—Lagrange 4.—Athens 12.—Montevallo 7.—Honeycomb Springs 5.—Sommerville 4.—Moulton 4.—Davis's 22.—Greenville 1.—Tuscaloosa 11.—Elyton 4.—Village Spring none.

Those who voted for locating the University at or near Gages are, Messrs. Sullivan, one of the Senate. Smith of C. Walthall, and Weisinger, of the House of Representatives.

Those who voted for Greensborough are, Mr. Merrimether. Rep's. Anderson, Cozlin, Rainey, Richardson, and Ross.

Those who voted for Lagrange are, Mr. Skinner. Rep's. Kelly, M'Brace of Frank. and Sargent.

Those who voted for Athens are, Mr. President. Rep's. Acklen, Bell, Craig Darrett, Edmondson, Martin, M'Vay of Land. Moore of Mad. Robertson, Smith of Mad. and Vining.

Those who voted for Montevallo are, Messrs. Shackelford, Rep's. Bradford, Clark, Harris, Lawler, and Massy.

Those who voted for Honeycomb Springs in Jackson County are, Messrs. M'Camy, Miller. Rep's. Moore of J. Price, and Russell.

Those who voted for Sommersville are, messrs. Crabb, Evans. Rep's. messrs. Rafter, and Vaughan.

Those who voted for moulton are, messrs. Hubbard, Rep's. Coopwood, Daniel, M'Vay of Law.

Those who voted for Davis's are, messrs. Abercrombie, Barton, Casey, Irwin, Rep's. Mr. Speaker, Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Rae of Mon. Sharp, Sibley, Tarver, Terry, Walker, Ward, and Wiggins.

Mr. Jones voted for Greenville.

Those who voted for Tuscaloosa are, messrs. Earle, Jackson, Moore, and Powell, Rep's. Messrs. Collier, Conner, Duke, Ellis, Jack, Perkins, & Stone.

Those who voted for Elyton are, messrs. Brown, Rep's. Brown, Forrest, and Paulding.

Neither of the places in nomination having received a majority of the whole number of votes the two House proceeded to vote a second time for a site for the location of the University. The vote stood thus.—For Gages 4.—Greensborough 5.—Lagrange 7.—Athens 15.—Montevallo 7.—Honeycomb Springs 2.—Summerville 3.—Davis's 24.—Tuscaloosa 12.—Elyton 4.—Village Springs 1.—

Those who voted for Gage's are, Messrs. Sullivan, Rep's. Smith of C. Walthal, and Weisinger.

Those who voted for Greensborough are, Messrs. Merriwether, Rep's. Anderson, Colgin, Rainey, and Richardson.

Those who voted for Lagrange are, Messrs. Skinner, Rep's. Coopwood, Craig, Daniel, M'Vay of Law. M'Rae of Frank. Sargent.

Those who voted for Athens are Mr. President, Miller, Hubbard, Rep's. Acklen, Bell, Durrett, Edmondson, Kelly, Martin, M'Vay of Land. Moore, of mad. Robertson, Russell, Smith of mad. Vining.

Those who voted for Montevallo are, Messrs. Shackelford, Ashe, Rep's. Bradford, Clark, Harris, Lawler, Massey.

Those who voted for Honeycomb Springs are, Messrs. M'Camy, and Moore of Jack.

Those who voted for Summerville are, Mr. Crabb, Rep's. Messrs. Rather and Vaughan.

Those who voted for Davis's are, Messrs. Abercrombie, Barton, Casey, Evans, Irwin, Jones, Rep's. Mr. Speaker, Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Rae of Mon. Sharp, Sibley, Tarver, Terry, Walker, Ward, and Wiggins.

Those who voted for Tuscaloosa are, Messrs. Earle, Jackson, Moore, Powell, Rep's. Collier, Conner, Duke, Ellis, Jack, Perkins, Ross, Stone.

Those who voted for Elyton are, messrs. Brown, Rep's. Brown, Forrest, and Paulding.

Mr. Price voted for Village Springs.

Neither of the places in nomination having received a majority of the whole number of votes the two Houses proceeded to vote a third time for a site for the location of the University Greensborough being withdrawn. The votes stood thus—Gages 4.—Lagrange 8.—Athens 17.—Montevallo 8.—Davis's 24.—Elyton 5.—Tuscaloosa 17.

Those who voted for Gages are, Mr. Sullivan, Rep's. Smith of C. Walthal, and Weisinger.

Those who voted for Lagrange are, Messrs. Crabb, Hubbard, Skinner, Rep's. Coopwood, Daniel, M'Rae of F. M'Vay of Land. Rather, Sargent.

Those who voted for Athens are, Mr. President, Miller, Rep's. Acklen, Bell, Craig, Durrett, Edmondson, Kelly, Martin, M'Vay of Law. Moore of mad. Price, Robertson, Russell, Smith of mad. Vaughan, and Vining.

Those who voted for Montevallo are, Messrs. Ashe, Shackelford, Rep's. Bradford, Clark, Harris, Lawler, Massey, Moore of Jack.

Those who voted for Davis in Autauga County are, Messrs. Abercrombie, Barton, Casey, Evans, Irwin, Jones. *Rep's.* Mr. Speaker, Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Rae of mon. Sharp, Sibley, Tarver, Terry, Walker, Ward, Wiggins.

Those who voted for Tuscaloosa are, Messrs. Earle, Jackson, Merriwether, Moore, Powell. *Rep's.* Messrs. Anderson, Colgin, Collier, Conner, Duke, Ellis, Jack, Perkins, Rainey, Richardson, Ross, and Stone.

Those who voted for Elyton are, Messrs. Brown, M'Camy. *Rep's.* Brown, Forrest, Paulding.

No one place having received a majority of the whole number of votes the two Houses proceeded to vote a fourth time for a site on which to locate the University. The votes stood thus.—Gages 3.—Lagrange 4.—Athens 22.—Montevallo 10.—Davis 24.—Tuscaloosa 18.—Elyton 3.

Those who voted to locate the University at or near Gages are, Messrs. Smith of Clark, Walthead, and Weisinger of the House of *Rep's.*

Those who voted for Lagrange are, Messrs. Crabb, Skinner. *Rep's.* M'Rae of Frank, and Sargent.

Those who voted for Athens are, Mr. President, Hubbard, Miller. *Rep's.* Acklen, Bell, Coopwood, Craig, Daniel, Darrett, Edmondson, Kelly, Martin, M'Vay of Law, M'Vay of Laud, Moore of mad, Price, Rather, Robertson, Russell, Smith of mad, Vaughan, Vining.

Those who voted for Montevallo are, Messrs. Ashe, M'Camy, Shackelford. *Rep's.* Bradford, Clark, Harris, Lawler, Massey, Moore of Jack.

Those who voted for Davis in Autauga County are, Messrs. Abercrombie, Barton, Casey, Evans, Irwin, Jones. *Rep's.* Mr. Speaker, Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Rae of mon. Sharp, Sibley, Tarver, Terry, Walker, Ward, & Wiggins.

Those who voted for Tuscaloosa are, Messrs. Earle, Jackson, Merriwether, Moore, Powell. *Rep's.* Anderson, Brown, Colgin, Collier, Conner, Duke, Ellis, Jack, Perkins, Rainey, Richardson, Ross, Stone.

Those who voted for Elyton are, Mr. Brown. *Rep's.* Forrest, and Paulding.

No place in nomination having received a majority of the whole number, the two Houses proceeded to vote a fifth time for a site on which to locate the University. Gages place being withdrawn, the votes stood thus: La Grange 4. Athens 20. Montevallo 10. Davis 28. Tuscaloosa 20. Elyton 3. Those who voted to locate the University at La Grange are, Messrs. Hubbard, Skinner. *Rep's.* M'Rae of Frank, and Sargent.

Those who voted for Athens are: Mr. President, Miller M'Vay of Law, M'Vay of Laud, Moore of mad, Price Rather Robertson Russell Smith of mad Vaughan Vining.

Those who voted for Montevallo are Messrs. Ashe M'Camy Shackelford Bradford Clark Harris Lawler Massey Moore of Jack.

Those who voted Davis in Autauga, are Messrs. Abercrombie Barton Casey Evans Irwin Jones. *Rep's.* Messrs. Broadnax Bridges Bonnell Cook Davis Dennis Greening Higgins Lewis M'Rae of mon. Sharp Sibley Tarver Terry Walker Walthead Ward Weisinger and Wiggins.

Those who voted for Tuscaloosa are, Messrs. Crabb, Earle, Jackson, Merriwether, Moore Powell. *Rep's.* Mr. Speaker, Anderson Colgin Collier Conner Duke Ellis Jack Perkins Rainey Richardson Ross Smith of Clarke and Stone.

Those who voted for Elyton are Messrs. Brown. *Rep's.* Messrs. Brown Forrest Kelly and Paulding.

No one place having received the requisite majority the two Houses proceeded to vote a sixth time for a site on which to locate the University.

The votes stood thus.—For Lagrange 3.—Athens 22.—Montevallo 9.—Davis 23.—Tuscaloosa 20.—Elyton 5.

Those who voted for Lagrange as a suitable site are,

Mr. Speaker. *Rep's.* Messrs. M'Rae of Frank, & Sargent.

Those who voted for Athens are,

Mr. President, Hubbard, Miller. *Rep's.* Acklen, Bell, Coopwood, Craig, Daniel, Darrett,

Edmondson, Kelly, Martin, M'Vay of Laud, M'Vay of Law, Moore of mad. Price, Rather, Robertson, Russell, Smith of mad. Vaughan, and Vining.

Those who voted for Montevallo are,

Messrs. Ashe, McCamy, Shackelford, Sullivan. Rep's. messrs. Clark, Harris, Lawler, Massey, Moore of Jack.

Those who voted for Davis are,

Mr. Abercrombie, Barton, Casey, Evans, Irwin, Jones, Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Rae of Mon Sharp, Sibley, Tarver, Terry, Walker, Walthal, Ward, Weisinger, and Wiggins.

Those who voted for Tuskaloosa are,

Messrs. Crabb, Earle, Jackson, Merriwether, Moore, Powell. Rep's. Mr. Speaker, Anderson, Colgin, Collier, Conner, Duke, Ellis, Jack, Perkins, Rainey, Richardson, Ross, Smith of Clarke, Stone.

Those who voted for Elyton are,

Mr. Brown. Rep's. messrs. Bradford, Brown, Forrest, and Paulding.

No place received the requisite majority. Mr. McCamy then moved that the Senate withdraw to their own chamber which was lost.—Yeas 7, nays 13.

The yeas and nays being desired on the motion, those who voted in the affirmative are Mr. President, Hubbard, Irwin, Jones, M'Camy, Skinner, Sullivan.

Those who voted in the negative are Messrs. Abercrombie, Ashe, Brown, Casey, Crabb, Earle, Evans, Jackson, Merriwether, Miller, Moore, Powell, Shackelford.

The two Houses proceeded to vote a seventh time for a site on which to locate the University.

The votes stood thus. For Lagrange 5.—Athens 22.—Montevallo 6.—Davis' 2.—Tuskaloosa 22.—Elyton 4.—

Those who voted for Lagrange as a site for the University are, messrs. Skinner, M'Rae of Franklin, and Sargent.

Those who voted for Athens are Mr. President, Hubbard, Miller. Rep's. Acklen, Bell, Coopwood, Craig, Daniel, Durrett, Edmondson, Kelly, Martin, M'Vay of Law, M'Vay of Laud, Moore of mad. Price, Rather, Robertson, Russell, Smith of mad. Vaughan, Vining.

Those who voted for Montevallo are messrs. M'Camy, Shackelford. Rep's. messrs. Clark, Lawler, Massey, Moore of Jack.

Those who voted for Davis' in Autauga are messrs. Abercrombie, Ashe, Barton, Casey, Evans, Irwin, Jones, Sullivan. Rep's. messrs. Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Harris, Higgins, Lewis, M'Rae of Mon Sharp, Sibley, Tarver, Terry, Walker, Walthal, Ward, Weisinger & Wiggins.

Those who voted for Tuskaloosa are messrs. Brown, Crabb, Earle, Jackson, Merriwether, Moore, Powell. Rep's. Mr. Speaker, Anderson, Colgin, Collier, Conner, Duke, Ellis, Greening, Jack, Perkins, Rainey, Richardson, Ross, Smith of C. and Stone.

Those who voted for Elyton are messrs. Bradford, Brown, Forrest & Paulding.

No one of the places in nomination having received the requisite number of votes the two Houses proceeded to vote the eighth time for a site on which to locate the University. The votes stood thus.—For Lagrange 5. Athens 19.—Montevallo 6.—Davis' 30.—Tuskaloosa 21.—Elyton 3.

Those who voted to locate the University at Lagrange are Messrs. Hubbard, Skinner. Rep's. Duke, M'Rae of F. and Sargent.

Those who voted for Athens are Mr. President, Miller. Rep's. messrs. Acklen, Bell, Coopwood, Craig, Daniel, Durrent, Edmondson, Martin, M'Vay of Law, M'Vay of Laud, Moore of mad. Price, Robertson, Russell, Smith of mad. Vaughan and Vining.

Those who voted for Montevallo are messrs. m'Camy Shackelford, Rep's messrs Clark Lawler Massey Moore of Jackson.

Those who voted for Davis' in Autauga are messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones Sullivan. Rep's. messrs. Broadnax Bridges Bonnell Cook Davis Dennis Greening Harris Higgins Lewis m'Rae of mon. Ross Sharp Sibley Stone Tarver Terry Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Tuskaloosa are messrs. Brown Crabb Earle Jackson Merriwether Moore Powell. Rep's mr. Speaker Anderson Brown Colgin Collier Conner Ellis Jack Kelly Perkins Rainey Rather Richardson Smith of Clark.

Those who voted for locating the University at Elyton are messrs. Bradford Forrest and Paulding.

Neither of the places in nomination having received a majority of the whole number the two Houses proceeded to vote the ninth time for a place on which to locate the University. The votes stood thus.---For Lagrange 8. - Athens 20.---Montevallo 5. - Davis' 30.---Tuskaloosa 21.

Those who voted to locate the University at Lagrange are messrs. Hubbard m'Camy Skinner. Rep's. messrs. Duke m'Rae of Frank. Moore of J. Rather Sargent.

Those who voted for Athens are mr. President Miller Acklen Bell Coopwood Craig Daniel Durrett Edmondson Kelly Martin m'Vay of Law. m'Vay of Lau. Moore of mad. Price Robertson Russell Smith of mad. Vaughan and Vining.

Those who voted for Montevallo are messrs. Shackelford Bradford Clark Lawler and Massey.

Those who voted for Davis' in Autauga County are messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones Sullivan. Rep's. messrs. Broadnax Bridges Bonnell Cook Davis Dennis Greening Harris Higgins Lewis m'Rae of mon. Ross Sharp Sibley Stone Tarver Terry Walker Walthal Ward Weisinger and Wiggins.

Those who voted to locate the University at Tuskaloosa are messrs. Brown Crabb Earle Jackson Merriwether Moore Powell. Rep's. mr. Speaker Anderson Brown Colgin Collier Conner Ellis Forrest Jack Paulding Perkins Rainey Richardson Smith of C.

Neither of the places in nomination having received a majority of the whole number the two Houses proceeded to vote the tenth time for a site on which to locate the University. The votes stood thus.---Lagrange 7. Athens 20.---Montevallo 3. - Davis' 31.---Tuskaloosa 18.

Those who voted for locating the University at Lagrange are messrs. Crabb Hubbard Skinner Duke m'Rae of F. Price & Sargent.

Those who voted for locating the University at Athens are mr. President Jackson Miller. Rep's. messrs. Acklen Bell Coopwood Craig Daniel Durrett Edmondson Kelly Martin m'Vay of Law. m'Vay of Laud. Moore of mad. Robertson Russell Smith of mad. Vaughan & Vining.

Those who voted for Montevallo are messrs. m'Camy Shackelford Bradford Clark Lawler Massey Moore of J. and Rather.

Those who voted for locating the University at Davis' in Autauga County are messrs. Abercrombie Ashe Barton Casey Earle Evans Irwin Jones Sullivan. Rep's. mr. Speaker Broadnax Bridges Bonnell Cook Davis Dennis Greening Harris Higgins Lewis m'Rae of mon. Sharpe Sibley Stone Tarver Terry Walker Walthal Ward Weisinger & Wiggins.

Those who voted for locating the University at Tuskaloosa are messrs. Brown Merriwether Moore Powell. Rep's. Anderson Brown Colgin Col-

lier Conner Ellis Forrest Jack Paulding Perkins Rainey Richardson Ross Smith of C.

No place received a majority of the whole number of votes.

Mr. M'Camy moved that the Senate withdraw to their own chamber it being 20 minutes after 7 o'clock P. M.; which was lost.—yeas 7 nays 14.

The yeas and nays being desired those who voted in the affirmative are Mr. President Hubbard m'Camy Miller Powell Skinner Sullivan.

Those who voted in the negative are Messrs. Abercrombie Ashe Barton Brown Casey Crabb Earle Evans Irwin Jackson Jones Merriwether Moore and Shackelford.

The two Houses then proceeded to vote the eleventh time for a site on which to locate the University. The votes stood thus—For Lagrange 3.—Athens 25.—Montevallo 8.—Davis' 50.—Tuskaloosa 21.

Those who voted to locate the University at Lagrange are messrs. Duke m'Rae of F. and Sargent.

Those who voted for Athens are Mr. President Hubbard Jackson Miller Skinner. Rep's. Acklen Bell Coopwood Craig Daniel Durrett Edmondson Martin m'Vay of Law. m'Vay of Laud. Moore of mad. Price Rather Robertson Russell Smith of mad. Vaughan Vining.

Those who voted for Montevallo are messrs. Brown m'Camy, Shackleford. Rep's. messrs. Bradford Clark Lawler Massey Moore of J.

Those who voted for Davis' in Autauga County are messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones Sullivan. Rep's. Mr. Speaker Anderson Broadnax Bridges Bonnell Cook Davis Dennis Greening Harris Higgins Lewis m'Rae of non. Sharp Sibley Stone Tarver Terry Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Tuskaloosa are messrs. Crabb Earle merriwether Moore Powell. Rep's. messrs. Brown Colgin Collier Conner Ellis Forrest Jack Kelly Paulding Perkins Rainey Richardson Ross Smith of clark.

Neither of the places in nomination had a majority of the whole number. Mr. Crabb moved that the Senate withdraw to their own chamber; which was lost.—Yeas 10, nays 11.

The yeas and nays being desired those who voted in the affirmative are Mr. President Brown Crabb Hubbard m'Camy Miller Moore Powell Skinner and Sullivan.

Those who voted in the negative are Messrs. Abercrombie Ashe Barton Casey Earle Evans Irwin Jackson Jones Merriwether and Shackelford.

Mr. Moore then moved that the Senate retire to their own chamber; which was lost.—yeas 8, nays 13.

The yeas and nays being desired those who voted in the affirmative are Mr. President Crabb Hubbard m'Camy Moore Powell skinner sullivan

Those who voted in the negative are messrs. Abercrombie Ashe Barton Brown Casey Earle Evans Irwin Jackson Jones Merriwether Miller and Shackelford.

The two Houses then proceeded to vote the twelfth time for a site on which to locate the University. The votes stood thus.—For Lagrange 4.—Athens 20.—Montevallo 4.—Davis' 40.—Tuskaloosa 16.

Those who voted for Lagrange are Messrs. Skinner Duke m'Rae of Frank. and Sargent.

Those who voted to locate the University at Athens are Mr. President Hubbard Miller. Rep's: Messrs. Acklen Bell Coopwood Craig Daniel Durrett Edmondson Martin m'Vay of Law. m'Vay of Laud. Moore of mad. Price Robertson Russell Smith of mad. Vaughan Vining.

Those who voted for Montevallo are Messrs. m'Camy Bradford Clark Lawler.

Those who voted for locating the University at Davis' are Messrs. Abercrombie, Ashe, Barton, Brown, Casey, Earle, Irwin, Jackson, Jones, Shackelford, Sullivan. *Rep's.* Mr. Speaker, Anderson, Brown, Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Greening, Harris, Higgins, Kelly, Lewis, Massey, M'Rae of mon. Moore of Jack. Ross, Sharp, Sibley Stone, Tarver, Terry, Walker Walthal, Ward, Weisinger, & Wiggins.

Those who voted for locating the University at Tuskaaloosa are Messrs. Crabb, Merriwether, Moore, Powell. *Rep's.* Messrs. Colgin, Collier, Conner, Ellis, Forrest, Jack, Paulding, Perkins, Rainey, Rather, Richardson, Smith of clark.

Neither of the places in nomination received a majority of the whole number of votes. Mr. Crabb moved that the Senate retire to their own chamber; which was lost.—Yeas 9, nays 12.

The yeas and nays being desired those who voted in the affirmative are Mr. President Crabb Hubbard M'Camy Miller Moore Powell Skinner Sullivan.

Those who voted in the negative are Messrs. Abercrombie Ashe Barton Brown Casey Earle Evans Irwin Jackson Jones Merriwether & Shackelford.

The two Houses then proceeded to vote the thirteenth time for a site on which to locate the University. The votes stood thus.—For Lagrange 8. Athens 10.—Montevallo 4.—Davis' 37.—Tu-ska-loosa 30.

Those who voted for Lagrange are Messrs. Davis m'Rae of Frank, and Sargent.

Those who voted for Athens are Messrs. Miller Durrett Edmonson Martin m'Vay of Law. M'Vay of Laud. Robertson Smith of mad. Vaughan Vining.

Those who voted for Montevallo are Messrs. Bradford Clark Lawler and Price.

Those who voted for Davis' in Autauga County are Messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones M'Camy Shackelford Sullivan *Rep's.* Mr. Speaker Anderson Broadnax Bridges Bonnell Cook Craig Davis Dennis Greening Harris Higgins Lewis Massey m'Rae of mon. Moore of J. Russell Sharp Sibley Stone Tarver Terry Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Tuskaaloosa are Mr. President Brown Crabb Earle Hubbard Jackson Merriwether Moore Powell Skinner. *Rep's.* Acklen Bell Brown Colgin Collier, Conner Coopwood Duke Ellis Forrest Jack Kelly Moore of mad. Paulding Perkins Rainey Rather Richardson Ross Smith of clark.

Neither of the places in nomination having received a majority of the whole number of votes the two Houses proceeded to vote the fourteenth time for a site on which to locate the University Montevallo being withdrawn. The votes stood thus.—For Lagrange 3.—Athens 7.—Davis' 37. Tuskaaloosa 36.

Those who voted for Lagrange are Messrs. Skinner m'Rae of Franklin and Sargent.

Those who voted for Athens are Messrs. Hubbard Miller. *Rep's.* Craig Durrett Martin m'Vay of Laud. and Vaughan.

Those who voted for Davis' in Autauga are Messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones m'Camy Shackelford Sullivan. *Rep's.* Mr. Speaker Broadnax Bridges Bonnell Clark Cook Davis Dennis Greening Harris Higgins Lawler Lewis Massey M'Rae of mon. Moore of J. Price Russell Sharp Sibley Tarver Terry Walker Walthal Ward Weisinger.

ger and Wiggins.

Those who voted for Tuscaloosa are Mr. President Brown Crabb Earle Jackson Merriwether Moore Powell. *Rep's.* Acklen Anderson Bell Bradford Brown Colgin Collier Conner Coopwood Daniel Duke Ellis Edmondson Forrest Jack Kelly M'Vay of Law. Moore of mad. Paulding Perkins Rainey Rather Richardson Ross Robertson Smith of C. Smith of mad. Stone and Vining.

Neither of the places in nomination received a majority of the whole number of votes. Mr. Evans moved that the Senate retire to their own chamber; which was lost. — Yeas 7, nays 14.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Evans Hubbard Irwin m'Caney Shackelford Skinner & Sullivan.

Those who voted in the negative are Mr. President Abercrombie Ashe Barton Brown Casey Crabb Earle Jackson Jones Merriwether Miller Moore and Powell.

The two Houses then proceeded to vote the fifteenth time for a site on which to locate University. — The votes stood thus. — For Lagrange 2. — Athens 5. — Davis' 37 + Tuscaloosa 40.

Those who voted for Lagrange are Messrs. Craig and m'Rae of Frank.

Those who voted for Athens are Mr. Hubbard. *Rep's.* Daniel Durret m'Vay of L. w. and Vaughan.

Those who voted for Davis' in Autauga County are Messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones m'Caney Shackelford. *Rep's.* Mr. Speaker Broadnax Bridges Bonnell Clark Cook Davis Dennis Greening Harris Higgins Lawler Lewis Massey m'Rae of mon. Moore of J. Price Russell Sharp Sibley Tarver Terry Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Tuscaloosa are Mr. President Brown Crabb Earle Jackson Merriwether Miller Moore Powell Skinner. *Rep's.* Acklen Anderson Bell Bradford Brown Colgin Collier Conner Coopwood Duke Ellis Edmondson Forrest Jack Kelly Martin m'Vay of Law. Moore of mad. Paulding Perkins Rainey Rather Richardson Ross Robertson Sargent Smith of clark Smith of mad. Stone Vining.

Neither of the places in nomination having received a majority of the whole number the two Houses proceeded to vote the sixteenth time for a site on which to locate the University. The votes stood thus. — For Lagrange 10. — Athens 3. — Davis' 28. — Tuscaloosa 41. — Montevallo 1.

Those who voted for Lagrange are Messrs. m'Caney Skinner Craig Durret Lawler m'Rae of Frank. Price Rather Sargent and Vaughan.

Those who voted for Athens are Mr. Hubbard. *Rep's.* m'Vay of Laud. m'Rae of mon.

Those who voted for Davis' in Autauga are Messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones Sullivan Broadnax Bridges Bonnell Cook Davis Dennis Greening Higgins Lewis Massey Russell Sharp Sibley Tarver Terry Walker Walthal Ward Weisinger & Wiggins.

Those who voted for Tuscaloosa are Mr. President Brown Crabb Earle Jackson Merriwether Miller Moore Powell. *Rep's.* Mr. Speaker Acklen Anderson Bell Bradford Brown Colgin Collier Conner Coopwood Daniel Duke Ellis Edmondson Forrest Harris Jack Kelly Martin m'Vay of Law. Moore of J. Moore of mad. Paulding Perkins Rainey Richardson Ross Robertson Smith of C. Smith of mad. Stone and Vining.

Mr. Shackelford voted for Montevallo.

No place having received a majority of votes the two Houses proceeded to vote the seventeenth time for a site on which to locate the University.

The votes stood thus.—For Lagrange 15.—Athens 13.—Honeycomb Springs 1.—Davis' 3.—Tuskaloosa 35.—Montevallo 9.—Greensborough 3.—Bellefont 1.—Montecello 1.—Marion 1.—

Those who voted for Lagrange are Messrs. Skinner Broadnax Bonnell Craig Daniel Kelly Lawler Lewis m'Vay of Law. m'Ra of Frank. m' Rae of mon. Moore of mad. Sargent Vaughan and Walker.

Those who voted for Athens are Mr. President Hubbard. Rep's. Bell Davis Durrett Edmondson Martin m'Vay of Laud. Robertson Sharp Smith of mad. Tarver Terry.

For Honeycomb Springs Mr. Moore of J.

Those who voted for Davis' in Autauga are Messrs. Ashe Casey and Jones.

Those who voted for Tuskaloosa are Messrs. Barton Brown Crabb Earle Evans Jackson Merriwether Miller Moore Powell. Rep's. Mr. Speaker Acklen Anderson Bradford Brown Colgin Collier Conner Copwood Duke Ellis Forrest Greening Harris Jack Paulding Perkins Rainey Rather Richardson Ross Smith of Clark Stone Vining and Wiggins.

Those who voted for Montevallo are Messrs. Abercrombie Irwin Shackleford Sullivan. Rep's. Clark Cook Dennis Massey and Sibley.

Those who voted for Greensborough are Messrs. Bridges Price and Walthal.

Mr. m'Camy voted for Bellefont.—Mr. Ward voted for Montecello.—and Mr. Weisinger for Marion.—No selection.

Mr. Shackleford moved that the Senate withdraw to their own chamber which was lost.—Yeas 8, nays 13.

The yeas and nays being desired those who voted in the affirmative are Messrs. Hubbard Irwin Jones Miller Moore Shackleford Skinner Sullivan.

Those who voted in the negative are Mr. President Abercrombie Ashe Barton Brown Casey Crabb Earle Evans Jackson m'Camy Merriwether and Powell.

The two Houses then proceeded to vote the eighteenth time for a site on which to locate the University of the State of Alabama.

The votes stood thus.—For Lagrange 12.—Athens 9.—Davis' 1.—Tuskaloosa 41.—Montevallo 19.—Greensborough 1.—Bellefont 1.—

Those who voted for locating the University at Lagrange are Messrs. Abercrombie Hubbard Irwin Shackleford Skinner Broadnax Daniel m' Rae of mon. m' Rae of Frank. Moore of mad. Sargent & Walthal.

Those who voted for locating the University at Athens are Messrs. Bell Craig Durrett Edmondson Martin m'Vay of Laud. Robertson Tarver and Terry.

Mr. Higgins voted for Davis' in Autauga.

Those who voted for Tuskaloosa are Mr. President Barton Brown Casey Crabb Earle Evans Jackson Merriwether Miller Moore Powell m'Vay of Law. Paulding Perkins Rainey Rather Richardson Ross Sibley Smith of Clark Smith of mad. Stone Vining and Wiggins.

Those who voted for locating the University at Montevallo are Messrs. Ashe Jones Sullivan. Rep's. Messrs. Bonnell Clark Cook Davis Dennis Lawler Lewis m' Rae of mon. Moore of J. Price Russell Sharp Vaughan Walker Ward Weisinger.

Mr. m'Camy voted for Bellefont, and Mr. Bridges voted for Greensborough.

No place having received a majority of the whole number of votes the two Houses proceeded to vote the nineteenth time for a site on which to locate the University. The votes stood thus.—For Lagrange 10.—Athens 5.—Davis' 2.—Tuskaloosa 47.—Montevallo 18.—Bellefont 1.

Those who voted for locating the University at Lagrange are messrs. Abercrombie Hubbard Irwin Jones Skinner. Rep's. Broadnax Daniel Lewis M'Rae of Frank. and Vaughan.

Those who voted for locating the University at Athens are messrs. Bell Durrett Edmondson M'Vay of Laud. & M'Rae of Monroe.

Those who voted for locating the University at Davis in Autauga are messrs. Bridges and Higgins.

Those who voted for locating the University at the Town of Tuskalooza are Mr. President Ashe Barton Brown Casey Crabb Earle Evans Jackson Marriwether Miller Moore Powell. Rep's. Mr. Speaker Acklen Anderson Bradford Brown Coigin Collier Connor Coopood Duke Ellis Forrest Greening Harris Jack Kelly Martin M'Vay of Law Moore of J. Moore of Mad. Paulding Perkins Ramey Rather Richardson Ross Robertson Sibley Smith of Clark Smith of Mad. Stone Farver Young & Wiggins.

Those who voted for locating the University at Montevallo are messrs. Shackelford Sullivan. Rep's. Donnell Clark Cook Craig Davis Dennis Lawler Massey Price Russell Sargent Sharp Terry Walker Walnut and Ward.

Mr. M'Canly voted for Beilefont.

The Town of Tuskalooza having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected as the site for the location of the University of the State of Alabama.

The selection having been made the Senate withdrew to their own chamber and Mr. President resumed the chair.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday December 31st 1827.

The Senate met pursuant to adjournment. Mr. Barton from the committee on the Judiciary, submitted the follow Report—The committee on the Judiciary to which was referred the memorial of Wm. H. Marr, have had the same under consideration and have instructed me to submit, the following report:—The petition prays the passage of a law authorizing one or more of the Judges of the circuit courts to examine the act of Congress, granting to this State certain lands for the support of a Seminary of learning and decide at what time the State derived a legal Title to sections 23 and 26 in township 21 Range 10. west; and whether the right so derived, authorized the state to dispossess the petitioner of his occupancy of those sections, and that if the said Judge or Judges shall decide that the petitioner was illegally dispossessed of the said sections, then to refund the amount paid by him to the Trustees of the University for rent of the same during the interval between the selection of the said lands by the Executive and the confirmation of such selection by the Secretary of the Treasury. By the act of Congress, to enable the people of the Alabama Territory to form a constitution and state Government &c. thirty six sections or one entire Township, to be designated by the secretary of the Treasury, under the directions of the President of the United states, together with the one heretofore reserved for that purpose, were reserved for the use of a seminary of learning, and vested in the Legislature of the state to be appropriated solely to the use of such seminary by the Legislature, and the secretary of the Treasury under the direction as aforesaid, was authorized to reserve the seventy two sections or two Townships, thereby set apart for the support of a seminary of learning in small tracts of not less than two sections. In pursuance of instructions from the secretary of the Treasury dated 2nd December 1819 the Register of the land office was directed to reserve from sale

such section as the then governor Wm. W. Bibb might select for the use and endowment of a College; and under those instructions numerous tracts of land were reserved from sale and selected as part of the complement of seventy two sections, a list whereof was transmitted to the secretary of the Treasury and a copy thereof retained in the Executive Office. Among the tracts designated as first selected was the land leased to the petitioner—The 10th section of an act, to provide for leasing for a limited time the lands reserved by Congress for the support of schools and for a seminary of learning, authorized the Governor to appoint commissioners to lease the same and take bonds for the rent. Pursuant, to this act the lands selected for the University were generally leased throughout the state and among these were the two sections for the rent of which the petitioner claims relief. From a communication made by the Board of Trustees to the Legislature at the session before last upon the subject of this claim it appears that the amount for which the University lands rented in the years 1820 and 1821 was in all, not much short of ten thousand dollars. In the case of Mr. Marrs' lease the Trustees are unapprized of any thing which should distinguish his case from all other cases. He does not pretend that he had not the full enjoyment of his term agreeably to the stipulation. The tract leased to him was among the earliest selections made by the state and was reserved from the sale of lands at Tuscaloosa at the first sale there in 1821 by directions from the Treasury department, should the Legislature in its wisdom grant relief to the present applicant, a similar relief will be due to numerous others who will of course on equal grounds apply"—It does not appear that any of the selections of University lands had been perfected by the issuance of Patents before the session of 1824—but this circumstance cannot in the opinion of the committee, affect the legality of the title to those lands which the state derived under the act of Congress aforesaid—The period of selection, your committee believe must be regarded as the point of time at which the title vested, and not the date of confirmation of that selection.—That confirmation might have been unreasonably delayed or entirely withheld without justifiable cause, and the event shows that upwards of four years have elapsed between the first selections and the final delivery of the Patents—The committee are clear in the opinion that the act of Congress, granting the donation vested an absolute title in the state to the lands selected in conformity with the directions of the secretary of the Treasury from the moment of the actual selection thereof; which could only have been divested by a departure from those directions, in the only particular in which these were essential, to wit:—the mode of selection. But even if the committee had a doubt of the legality of the title in question, they can entertain none of the total insufficiency of the claim set up by the petitioner.—He could only have been regarded in the light of an unauthorized settler upon the public lands without title, or right of possession, and of course subject to be removed at any time by the marshal or by military force at the discretion of the President of the United States. Your committee are therefore decidedly of the opinion that the claim of the petitioner is not founded either in Justice or equity and that his prayer is unreasonable & ought not to be granted, to which Report was concurred in by Mr. Casey, from the committee on the apportionment to which was referred a bill to be entitled, an act, to apportion the Representatives among the several counties in this State and to divide the state into senatorial districts according to the late census, reported the same as amended, by the striking out the second section and inserting in lieu thereof the following.

Sec. 2. *And be it further enacted*, that the counties of Mobile, Baldwin and Washington, shall form one senatorial district.—Pike, Covington, Dale and Henry one; Butler and Conecuh, one, Monroe and Clarke one; Wilcox and Marengo, one; Greene one; Montgomery one; Dallas one, Perry and Bibb one; Shelby and Autauga one; Blount and St. Clair one; Jefferson and Walker one; Tuscaloosa one; Pickens, Fayette and Marion, one; Morgan one; Franklin one; Lawrence one; Lauderdale one; Limbstone one; Madison one; and Jackson one; each of which districts shall have one senator and no more.”—Mr. Jackson moved to amend the amendment by striking out “Clarke and Monroe” as a senatorial district and “Marengo and Wilcox” and to insert *Monroe and Wilcox*, as a district and Clarke and Marengo as another; which was lost.—Yeas 8 Nays 12. The Yeas and Nays being desired, those who voted in the affirmative are *mr. President*, Barton, Brown, Crabb, Earle, Jackson, Merriwether and Powell. Those who voted in the negative are *messrs.* Ashe, Casey, Evans, Hubbard, Irwin, Jones, McCamy, Miller, Moore, Shackelford, Skinner and Sullivan.

Mr. Casey, moved to disagree to the report of the committee on the apportionment proposing to strike out the second section of the bill and to insert the above section in lieu thereof; which was carried.—Yeas 12 Nays 8.—The Yeas and Nays being desired, those who voted in the affirmative are *messrs.* Ashe, Barton, Casey, Earle, Evans, Irvin, Jones, McCamy, Miller, Shackelford, Skinner, and Sullivan. Those who voted in the negative are *mr. President*, Brown, Crabb, Hubbard, Jackson, Merriwether, Moore, and Powell.

Mr. Evans moved to amend the bill by the striking out the word *two* where it gives the county of Butler *two* Representatives, and to insert the word *one* with a view of allowing two representatives to the county of Wilcox instead of Butler, which was carried, Yeas 12. Nays 7. The Yeas and Nays being desired, those who voted in the affirmative are *mr. President*, Ashe, Casey, Evans, Hubbard, McCamy, Merriwether, Miller, Moore, Powell, Skinner and Sullivan.

Those who voted in the negative, are *messrs.* Barton, Crabb, Earle, Irvin, Jackson, Jones and Shackelford.

Mr. Evans, moved further to amend the bill by striking out the word *“one”* where it allows Wilcox one representative and to insert *two*; which was carried.—Yeas 14.—Nays 5. The Yeas Nays, being desired, those who voted in the affirmative are *mr. President*, Ashe, Barton, Casey, Evans, Hubbard, Irwin, McCamy, Merriwether, Miller, Moore, Shackelford Skinner and Sullivan. Those who voted in the negative are *messrs.* Crabb, Earle, Jackson, Jones and Powell. The bill was further amended by making the sheriff of Fayette county the returning officer for the district in which he resides instead of the sheriff of Pickens.

Mr. Crabb, moved further to amend the bill by adding Blount and Morgan together as a senatorial district, Franklin and Walker as another & Jefferson and St. Clair as one; which was lost, Yeas 7.—Nays 12. The Yeas and Nays being desired, those who voted in the affirmative are *messrs.* Crabb, Earle, Hubbard, Jackson, Merriwether, Powell and Skinner.—Those who voted in the negative are *mr. President* Ashe, Barton, Casey, Evans, Irwin, Jones, McCamy, Miller, Moore, Shackelford and Sullivan.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

The following communication was received from the Governor by J. I. Thornton Esq.

EXECUTIVE DEPARTMENT, Dec. 29th, 1827.

The Hon: the President and members of the Senate:

Gentlemen—This morning I had the pleasure to receive the Resolution of your Honorable body which is expressed in the following words viz.

Resolved, that his Excellency the Governor be requested to furnish this House such information as he may have in possession respecting the necessity of making the appointment of a third commissioner to adjust the boundary line between this State and Georgia and by what authority he made said appointment, together with his Excellencys' reasons for making such appointment." In compliance with this Resolution, I have the honor to send you the letters of the commissioners, and a letter of this Department, which will give a history of the transaction, and will serve to shew the "necessity" and the "reasons," as well as to explain the nature of the appointment which was made. There was not in fact, any appointment of a third commissioner, as will be seen by reference to a letter from this department dated the 18th July 1826. One of the commissioners was absent from causes at that time unknown. This absence was announced by the attending commissioner in sundry letters and especially in those of the 10th, and 11th, of July, forwarded to the seat of Government by Express. The commissioners of Georgia were in attendance, with an ample and expensive train of preparations and were therefore anxious to commence the work. The Government of Georgia was always reluctant to admit delay on this subject. The commission of this State was not full.—The cause of absence of one of the commissioners as has been already observed, was unknown to the attending commissioner, and to this department, and great uncertainty seemed to rest on his ultimate ability to attend at all.—In case that he should not be able to attend, the whole negotiation would fail by default on the part of this State, and Georgia would be obliged to run the line alone, or to wait until the executive of this State would fill up the commission. Georgia had already delayed the operation to meet the views of this State and it would be unreasonable to occasion more delay.—In this state of difficulty and uncertainty, which were much felt and regretted at the time and impelled by duty to pursue a course which was due to a sister State it was thought the best and indeed the only consistent way to send on some competent Gentleman who should act as commissioner in case of the continued non attendance of the absent commissioner, but who, if the absent commissioner should attend, might act as agent or counsel in the business, and not as one of the commissioners. The Executive felt himself forced by circumstances to make this contingent arrangement, and looked for his justification to the powers vested in him, and the duty imposed on him, to execute the laws. It will also be easily seen that it was a delicate thing to request any competent man to act in a capacity which might prove to be so subordinate, especially in a service having so little attraction, and to be entered upon without previous knowledge or preparation. Still, however, this was done, and in the application which the Executive made he relied on the known patriotism and public spirit of the individual, and sought an excuse for his making such a proposition, no less in the liberal indulgence of personal friendship, than in the pressing exigency of an important public service.—In this way, every proper and practicable provision was made, to prevent a failure of long continuance on the part of this

State. As the question in controversy arose from the construction of a compact, acknowledged legal talents were employed or indeed more properly speaking enlisted, which might prove useful as a mere assistant counsel to the original commission. If fortunately it should be full or in the contrary event a good and efficient commissioner in the place of one absent, who was selected on account of similar qualifications. — The commissioners of Georgia were five in number. and if it should happen, in providing for an unavoidable occurrence that our commission of two, should have an assistant counsel (but which was by no means the intention of the appointment) it would seem to be a circumstance not much to be regretted; with the foregoing remarks, the letters of the commissioners will furnish the 'reasons' and the 'necessity' of making such a contingent arrangement as was made. The most studious delicacy was observed toward the original appointment, but it would have been exceedingly faulty and without excuse not to have provided for a state of things, by which an important negotiation might fail, and at the same time, that the State should be found wanting in courtesy and justice to a sister State in the transaction of a common business. — The resolution further enquires by what authority the appointment was made? The answer is, the general authority, as well as duty imposed by the constitution to execute the laws; and the special authority of the Resolution under which the Executive was required to act. — The Resolution authorises the Executive to appoint two commissioners, and the general power of appointing these agents is confided to him — should any of the commissioners so appointed die or remove, or refuse to serve, or be unable to attend, or be absent, or if any circumstance should happen to them, which might threaten the negotiation with total failure, and subject it to great disadvantage, the Executive could not hesitate to apply the proper remedy as authorised by the constitution, and the Resolution itself, understood in its most natural and inevitable import. — In the present instance it was the constant object to preserve the rights and even the feelings of all concerned, as far as it could possibly be done in consistence with the public service.

Letters were received by the Executive from the absent commissioners about the 19th, or 20th, of August at Huntsville. — The agent was still sent on and the letters of the 19th, and 21st, of July and the 13th of August will furnish the reason of doing so. It was to guard still against the consequences of ill health; and it was necessary also to forward money to defray expenses, which through the polite interposition of some friends I was enabled to procure at Huntsville — Money was advanced to the commissioners, and to the agent from the contingent fund to defray expenses, until the General Assembly should pass upon the entire amount of their service, and make an appropriation; which advances were then to be repaid into the contingent fund. This has been done by the commissioners from the appropriations made in their favour. — In the case of the agent the appropriation made fell short of the advance. — The appropriation was retained as so much paid into the contingent fund for the advance, and the balance settled by the personal check of the Executive, which will operate as a final closing of the account unless the wisdom of the General Assembly may deem it just and equitable to increase the appropriation.

I have the honor to be, most respectfully, your ob't serv't.

JOHN MURPHY.

Ordered, that the communication together with the accompanying docu-

ments be referred to the special committee appointed to examine and report on the bill entitled, an act to amend the 3d section of an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this State and Georgia.

Mr. Casey moved to reconsider the vote of the Senate on Mr. Crabb's motion to lay the bill entitled, an act to establish an office of Discount & Deposit of the Bank of the State of Alabama in the northern part of this State, on the table till the 3d Monday in November next; which was carried — Yeas 14, nays 9.

The yeas and nays being desired those who voted in the affirmative are Messrs. Casey Crabb Evans Hubbard Irwin M'Camy Miller Moore Powell Skinner and Sullivan.

Those who voted in the negative are Mr. President Ashe Barton Brown Earle Jackson Jones Merriwether and Shackelford.

Mr. Hubbard then moved to reconsider the vote of the Senate on the amendment offered by Mr. Crabb to the bill Providing that the office of Discount and Deposit established by the bill shall be located in some Town within seven miles of the Tennessee river, which was carried. — The amendment was then adopted.

Mr. Crabb moved to reconsider the vote of the Senate on striking from the bill the county of Morgan: which was carried.

Mr. Skinner moved to reconsider the vote on his motion to strike from the bill the county of Franklin which was carried.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act to incorporate the Summerville Philomatheon Society; and an act relative to the duties of grand juries which were accordingly signed by Mr. President.

Mr. Jones moved to take up the Joint Resolutions instructing his Excellency the Governor to cause the remains of the late Isreal Pickens to be removed from the Island of Cuba to his late residence in Greene County, which was carried. — Yeas 13, nays 7.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Barton Casey Crabb Evans Hubbard Irwin Jones M'Camy Merriwether Miller Moore Skinner and Sullivan.

Those who voted in the negative are Mr. President Ashe Brown Earle Jackson Powell and Shackelford.

Ordered, that the Resolutions be referred to a special committee consisting of Messrs. Casey Hubbard and Merriwether to consider and report thereon.

And then the Senate adjourned till half past 2 o'clock this evening.

Evening Session.

A message from the House of Representatives by Mr. Tunstall their clerk. — Mr. President, the House of Representatives concur in the amendments made by the Senate to the bill entitled, an act concerning the estates of deceased persons. — They disagree to the amendments made by the Senate to the bill entitled, an act altering the punishment of Forgery and Counterfeiting by inserting in the 7th line of the 1st section after the word "any" the words "last will or testament, gold or silver coin made current by law." They also disagree to the amendment made in the 22d line of the 1st section by inserting after the word "Counterfeit" the word "gold or silver coin." They concur in the remainder of the amendments to

the bill. They also concur in the amendment made by the Senate to the Joint Resolution proposing amendments to the constitution of the State of Alabama by striking out "six years" and inserting "seven years" as the term of service of the Judges.

They have read three times and passed bills which originated in their House entitled, an act to authorise the sales of 16th sections and for other purposes; and an act to extend to St. Clair and Shelby Counties concurrent civil and criminal jurisdiction with Autauga County in the Creek Nation.—In which they desire your concurrence.

Ordered, that the Senate insist on their amendments to the bill entitled, an act altering the punishment of Forgery and Counterfeiting in certain cases, to which the House of Representatives have disagreed.

A bill from the House of Representatives entitled, an act to extend to St. Clair and Shelby Counties concurrent civil and criminal jurisdiction with Autauga County in the Creek Nation, was read and ordered to a second reading to-morrow.

A bill to be entitled, an act to authorise the sales of 16th sections, and for other purposes, was read the first time. The rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith and referred to the committee on Schools and Colleges and School and College Lands to consider and report thereon.

Mr. Jackson called up the Annual Report of the Board of Trustees of the University of Alabama. Ordered, that it be referred to the committee on Schools & School & College Lands, to consider and report thereon.

Mr. Jackson obtained leave to introduce a bill to be entitled, an act to continue in force an act, entitled, an act to amend the Charter of the Planters and Merchants Bank of Huntsville, which was read.—The rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith and referred to the committee on the Judiciary to consider and report thereon.

Mr. Barton, obtained leave to introduce a bill to be entitled, an act to amend an act, to prohibit the introduction of slaves into this state for sale or hire, which was read and ordered to a second reading to-morrow.

Mr. Shackleford, moved that the resolutions prohibiting the introduction of new business be suspended and that he have leave to introduce a bill, which he read, which motion was carried. Yeas 15, Nays 5.—The Yeas & nays being desired, those who voted in the affirmative are Mr. President Ash, Barton, Crabb, Earle, Irvin, Jackson, Jones, Merriwether, Miller, Powell, Shackleford, Skinner and Sullivan. Those who voted in the negative are Messrs. Casey, Evans, Hubbard, McComy and Moore.

Mr. Shackleford then introduced a bill to be entitled an act, in relation to the Executive of this state, which was read and ordered to a second reading to-morrow.

Mr. Hubbard moved to reconsider the vote of the Senate on ordering the bill entitled, an act, to establish an office of discount and deposite of the Bank of the state of Alabama in the northern part of this state to be engrossed for a third reading to-morrow which was carried.—Ordered that the bill be referred to a special committee consisting of Messrs. Hubbard, Miller and Casey to consider and report thereon.

Memorial to the Congress of the United States praying for a donation of the unsold & relinquished lands in the Huntsville land district for the improvement of the navigation of the Tennessee River, was read the second time.

Mr. Jackson, offered an amendment to the memorial requesting the Co-

vernor to forward a copy to each of our senators and Representatives in Congress; which was adopted. *Ordered*, that it be engrossed for a third reading tomorrow.

A bill to be entitled, an act, to regulate the inspection of Tobacco in this state, was read the first time, and the rule requiring bills to be read on the three several days being dispensed with, the bill was read the second time forthwith, and referred to a special committee consisting of messrs. Barton, Ash and Earle to consider and report thereon:

An engrossed bill to be entitled, an act, for the relief of Richard Carre, John Duncan jr. and Henry Center was read the third time time, amended by way of rider on mr Barton's motion, and passed — Yeas 11. Nays 9.— The yeas and nays being desired, those who voted in the affirmative are mr President, Ash, Barton, Brown, Earle, Evans, Irwin, McCamy, Merriwether, Shackelford and Sullivan. Those who voted in the negative are messrs. Casey, Crabb, Hubbard, Jackson, Jones, Miller, Moore, Powell and Skinner. *Ordered* that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence.

A bill to be entitled, an act for the relief of William Jones of Walker county was taken up—mr Barton withdrew the amendment which he offered to the bill on a former occasion.

mr McCamy offered an amendment to the bill providing that mr Elliotts descendants shall be entitled to the rights and privileges of citizens of the State; which was adopted *Ordered*, that the bill be made the order of the day for a third reading tomorrow.

An engrossed bill to be entitled, an act, to prevent the unlawful assembly of slaves and for other purposes was read the third time and passed, Yeas 11, nays 8. The yeas and nays being desired, those who voted in the affirmative are mr. President, Ash, Barton, Brown, Earle, Evans, Hubbard, Jackson, Miller, Moore and Sullivan. Those who voted in the negative are messrs. Casey, Irwin, Jones, McCamy, Merriwether, Powell, Shackelford & Skinner. *Ordered*, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for concurrence.

Engrossed bills entitled, an act, to annex additional Territory to Bibb county so as to make the same constitutional; an act, concerning the registration of Deeds and Patents; an act, to provide for the translation and preservation of the Spanish records of this State; and an act, relating to the duties of the Judges of the county courts, were severally read the third time and passed—*Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Bills from the House of Representatives entitled, an act, incorporating the town of Counciland in the county of Lawrence; an act, to authorize the Judge of the county court of Monroe county and the commissioners of Roads and Revenue to levy a special tax for the purpose therein mentioned; and an act, to provide for the support of Paupers in the counties of Madison, Autauga, Tuscaloosa and Clarke were severally read the third time and passed. *Ordered*, that they be returned to the House of Representatives.

A bill (from the House of Representatives) entitled, an act, to divorce Winney Gaines from her husband Francis T. Gaines was read the third time and passed by the constitutional majority, *Ordered*, that the bill be returned to the House.

Bills to be entitled, an act, to authorize Josiah D. Lister administrator of the estate of Charles Vivian deceased to settle his accounts in the circuit court of Washington county.

Joint resolution in relation to an exchange of sixteenth sections: an act, to amend an act, entitled, an act, to incorporate the town of Mooresville and

for other purposes passed Nov. 15th 1818: an act, to authorize the raising of three thousand dollars for the purpose of building a bridge across Shoal Creek; and, Joint Resolution in relation to the Cherokee boundary were severally read the second time and ordered to a third reading to-morrow.

Bills to be entitled, an act, for the appointment of an Engineer to make a survey and estimate of the expense of opening the muscle shoals in the Tennessee River: *An act, to revive an act, therein specified, and for other purposes:* *An act, regulating the duties of Attornies at law, and for other purposes:* *An act, to provide the clerks of the several county courts in this state with copies of the acts of the present and each succeeding Congress of the United States, and for other purposes:* *An act, to amend an act, entitled, an act, to incorporate the school commissioners of the 1st Township and 8th Range west from Huntsville, and for other purposes;* and *An act, to declare Canoe Creek in St. Clair county a public highway, with severally read the second time and Ordered:* to be engrossed for a third reading to-morrow.

A bill to be entitled, an act to repeal in part and amend an act entitled, an act to incorporate the Muscle Shoals Canal Company, was read the second time.

Mr. McCamy moved to strike out the 4th section of the bill which is as follows: "SEC. 4. *And be it further enacted.* That the *Proviso* in the 18th section of the above recited act be and the same is hereby repealed."

Ordered, that the bill be referred to the committee on the Judiciary to consider and report thereon.

A bill (from the House of Representatives) entitled, an act to locate the seat of Justice in the County of Tuskalooza was read the first time.

On motion of Mr. Powell ordered, that the bill lie on the table.

A bill to be entitled, an act for the relief of Wyatt Cheadham was taken up.—Mr. Powell moved to strike out the second section of the bill; which was lost—ordered, that it be engrossed for a third reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, January 1st, 1828.

The Senate met pursuant to adjournment.

Mr. Casey from the committee on Roads Bridges and Ferries to which was referred the petition of sundry citizens of Marion County upon the subject of laying out a public road in said county, reported that it is inexpedient to grant the prayer of the petitioners; which was concurred in.

Mr. Powell from the committee on enrolled bills reported as correctly enrolled, an act to aid in the endowment of a Humane Charity Hospital in the City of Mobile; An act to amend and explanatory of an act to authorize William H. Ragsdale and his associates to Turnpike a road therein specified passed 14th day of January 1826; and, an act to emancipate certain persons therein in named. All of which were accordingly signed by Mr. President.

Mr. Hubbard offered the following resolution: *Resolved,* That the committee on County boundaries be instructed to report to the Senate if practicable what counties in this State are so bounded that the precise contents in square miles cannot now be ascertained; which was adopted.

A bill to be entitled, an act regulating the fees of Sheriffs, Clerks, Attornies and other officers therein named, was taken up.

Mr. Brown offered the following amendment to the bill, *Provided* that the officers of the counties of Jefferson, Henry, Pike, Dale, Covington, Marion, Pickens, Fayette, and Walker, shall in no case be governed by the provisions of this act."

Mr. Barton moved to amend the amendment by exempting the counties

of Mobile: Baldwin & Washington from the operations of the bill, which was carried.

Mr. Sullivan moved to exempt Perry County, which was carried.

Mr. Jones moved to exempt Conecuh, & Butler; which was carried.

Mr. Shackleford moved to exempt Shelby County from the operation of the law, which was carried.

Mr. M'Camy moved to exempt Jackson County, which was carried.

Ordered, that the bill be referred to a special committee consisting of Messrs. Casey Barton and Hubbard to consider and report thereon.

Engrossed bill entitled, an act to provide the Clerks of the several counties in this State, with copies of the acts of the present, and subsequent Sessions of the Congress of the United States, was read the third time and passed. Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence.

A bill to be entitled, an act for the relief of Caswell R. Clifton tax collector of Madison County, was read the second time and laid on the table.

Engrossed, memorial to the Congress of the United States praying a donation of the relinquished and unsold lands lying in the Huntsville land District, for the improvement of the navigation of the Tennessee River, was read the third time and passed. Ordered, that it be sent to the House of Representatives for concurrence.

An engrossed bill to be entitled, an act for the appointment of an Engineer to make a survey and estimate of the expense of opening the Muscle Shoals in the Tennessee River, was read the third time.

Mr. Barton moved to amend the bill with the following "to co-operate with the Engineer Corps of the United States in making an estimate &c," so as to require the Engineer to be appointed to join the United States Engineers in making the examination &c; which was rejected.—Yeas 8, Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Ashe Barton Casey Evans Irwin Merriwether Moore & Sullivan.

Those who voted in the negative are, Mr. President Brown Crabb Earle Hubbard Jackson Jones M'Camy Miller Powell Shackelford & Skinner.

Mr. Crabb moved to amend the bill by way of Ryder by adding the names of Isaac Lane, Matcomb Gilchrist and Col. James M'Donald as additional commissioners, which was carried.

Mr. Jackson moved to fill the blank in the bill where it relates to the sum to be appropriated for defraying the expenses of procuring the Engineer to make the contemplated survey and estimate with five thousand dollars, which was lost.—Yeas 4, Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President Crabb Earle Jackson.

Those who voted in the negative are, Messrs. Ashe Barton Brown Casey Evans Hubbard Irwin Jones M'Camy Merriwether Miller Moore Powell Shackelford Skinner and Sullivan.

Mr. Jackson then moved to fill the blank with four thousand dollars; which was lost.

Mr. Hubbard then moved to fill the blank with three thousand dollars which was carried.—The question was then put "Shall the bill pass?" and determined in the affirmative.—Yeas 13, Nays 7.

The Yeas and Nays be desired those who voted in the affirmative are, Mr. President, Ashe, Barton, Brown, Crabb, Earle, Hubbard, Jackson, M'Camy, Moore, Powell, Shackelford and Skinner.

Those who voted in the negative are, messrs. *Casey, Evans, Irwin, Jones Merrimether, Miller and Sullivan.*

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives. Engrossed bills to be entitled, an act, to amend an act, entitled an act, to incorporate the school commissioners of the fourth Township and eighth Range, west from Huntsville, and for other purposes.

An act, regulating the duties of Attornies at law, and for other purposes, and, *An act*, to declare Canoe Creek in St. Clair county, a public highway, were severally read the third time and passed.—*Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for concurrence.—An engrossed bill to be entitled, *an act*, for the relief of Wyatt Cheatham was read the third time, amended by way of ryder on mr. Powell's motion and passed.—*Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House for concurrence. An engrossed bill to be entitled, *an act*, to revive an act therein specified, and for other purposes, was read the third time and rejected, Yeas 9. Nays 9.

The yeas and nays being desired on the passage of the bill those who voted in the affirmative are, *mr. President Barton Brown Crabb Evans Hubbard Jones Mc Cumy and Sullivan.*

Those who voted in the negative are, messrs. *Ash Casey Earle Irwin Jackson Merrimether Moore Powell and Shackelford.*

Joint Resolution in relation to the Cherokee boundary: *An act* to amend an act, entitled, an act to incorporate the town of Mooresville and for other purposes passed 16th November 1818.

Joint resolution in relation to an exchange of sixteenth sections: *An act*, for the relief of William Jones of Walker county, *an act*, to authorize the raising three thousand dollars for the purpose of building a bridge across Shoal creek, and, *an act*, to authorize Josiah D. Lister admr. of the estate of Charles Vivian deceased, to settle his accounts in the circuit court of Washington county were severally read the third time and passed. *Ordered*, that they be returned to the House of Representatives.

A bill from the House of Representatives entitled, *An act*, to apportion the Representatives among the several counties in this State and to divide the State into Senatorial Districts according to the late census was read the third time.

Mr. Barton offered an amendment to the bill by way of ryder, requiring that the census of Mobile and Limestone counties shall be retaken, and providing that said counties shall have one additional Representative each, if the representative population, when the census is correctly taken should entitle them thereto, which was read three several times and adopted: The bill was then passed as amended, *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled, *an act* to amend an act to prohibit the importation of slaves into this State for sale or hire, was read the second time and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled, *an act* in relation to the Executive of this State, was read the second time. mr. Barton moved to strike out "three hundred dollars" the sum appropriated to the Governor in addition to his salary for house rent and to insert five hundred dollars, which was lost. mr. Casey moved that the bill lie on the table till the first day of June next; which was lost:—Yeas 4. Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs. *Casey Jones Mc Cumy and Sullivan.*

Those who voted in the negative are, *mr. President Ash Barton Brown Crabb Earle Hubbard Irwin Jackson Merrimether Miller Moore Powell Shackelford and Skinner.* *Ordered*, that the bill be engrossed and made the order of the day for a third reading tomorrow.

A bill to be entitled, an act to extend to St. Clair and Shelby counties with current civil and criminal jurisdiction with Autauga county in the Creek Nation; was read the second time and ordered to a third reading tomorrow.

Mr. Jones presented the petition of sundry persons praying that the stay given on judgments rendered by Justices of the Peace may be extended a greater length of time, which was referred to the committee on propositions and grievances.

Mr. Shackelford, from the committee on schools and colleges and school and college lands to which was referred the report of the board of Trustees of the University reported: Joint resolutions in relation to University lands which were read—The rule requiring joint resolutions to be read on three several days being dispensed with the resolutions were read the second and third time forthwith and passed. *Ordered*, that they be sent to the House of Representatives for concurrence.

Mr. Hubbard, presented to the Senate the following letter from the State Architect.

TUSKALOOSA, JANUARY 31st 1828.

SIR:—In reply to yours of yesterday to ascertain for what salary the Architect could be obtained I would beg leave to state that on entering the service of Alabama, I left much valuable employment, with a full confidence in the justice of the Legislature and depending on that honorable body; for an equitable remuneration for services rendered. By reference to the commissioners for erecting the State Capital. I believe it will be found that by my assistance many thousand dollars have been, and more will be saved to the State in making contracts for State Capital.

I also propose by considerable exertion to have the lower story of the Capitol in readiness to receive the Legislature at their next session, with more extensive accommodations than they now possess—and by which a heavy rent will be saved, with the construction of suitable buildings for every department of our University, practice has rendered me familiar—as well as with that of laying out canals—Rails roads or any other matter appertaining to internal improvement.

My humble talents are at the disposal of the state with more experience I presume to hope that my services are worth to Alabama two thousand five hundred dollars per annum when they have been employed by North Carolina at \$2600 per annum.

Very respectfully your ob't serv't.

W. NICHOLS

Hon. DAVID HUBBARD,

Chairman of the committee on State Capitol.

Ordered, that the letter be referred to the committee on Inland Navigation to consider and report thereon:—And then the Senate adjourned 'till tomorrow morning at 10 o'clock.

Wednesday, January 2d, 1828.

The Senate met pursuant to adjournment.

Mr. Barton from the committee on the judiciary to which was referred the bill to be entitled, an act defining the powers of the county courts reported the same as amended; which was concurred in.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act to amend an act to incorporate the Muscle shoals canal company, reported the same as amended, which was concurred in.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act to continue in force an act entitled, an act to amend the Charter of the Planters and Merchants Bank of Huntsville, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to which was referred a Resolution instructing them to enquire and report to the Senate whether any

amendment to the law relative to the public printing be necessary, reported a bill to be entitled, an act to amend an act to provide for the printing of Laws & and Journals, and for other purposes, passed the 25th Dec. 1822; which was read and ordered to a second reading to-morrow.

An engrossed bill to be entitled, an act in relation to the Executive of this State, was read the third time and passed. Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act to extend to St. Clair and Shelby Counties concurrent civil and criminal jurisdiction with Autauga County in the Creek Nation, was read the third time and passed.

A message from the House of Representatives, by Mr. Tunstall their clerk—Mr. President, the House of Representatives recede from their disagreement to the amendments made by the Senate to the bill entitled, an act altering the punishment for Forgery Counterfeiting in certain cases—and concur in the amendments made by the Senate to the bill. They also concur in the amendment made by the Senate to the bill entitled, an act to authorise the Judge of the county court of Monroe County and the commissioners of Roads and Revenue to levy a special tax for the purpose therein mentioned.

They have passed bills which originated in their House entitled, an act to increase the capital of the Bank of the State of Alabama; and an act to repeal an act therein mentioned—In all of which they desire your concurrence.

Bills from the House of Representatives entitled, an act to increase the capital of the Bank of the State of Alabama; and, an act to repeal an act therein mentioned, were severally read the first time and ordered to a second reading to-morrow.

On motion of Mr. Evans the bill entitled, an act for the relief of Caswell R. Clifton tax-collector of Madison County was taken up.

Mr. Evans offered an amendment requiring the Treasurer to receive from the tax collector of Monroe County in payment of the taxes from that county, the sum of fifty dollars, in Tombecbee money, which was received by the collector in payment of taxes, which was adopted.—The bill was then read the third time as amended and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Irwin moved to reconsider the vote of the Senate on the passage of the bill entitled, an act to revive an act therein specified, and for other purposes; which was carried. Ordered, that the bill lie on the table.

And then Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, January 3d, 1828.

The Senate met pursuant to adjournment.

Mr. M'Camy presented the petition of William Barclay asking additional compensation for distributing the militia and patrol laws; which was referred to the committee on accounts and claims to consider and report thereon.

Mr. M'Camy from the committee on propositions and grievances to which was referred the petition of sundry persons praying the passage of a law increasing the time for which stays are allowed on judgments rendered by Justices of the Peace reported, that it is inexpedient to grant the prayer of the petitioners; which was concurred in.

Mr. Casey from the committee on Roads, Bridges and Ferries, to which was referred a resolution instructing them to examine into the law

providing for the opening of new Roads, and the mode pointed out for the apportionment of hands to work on such new Roads, and it considered necessary to report a bill, more particularly defining the same, reported, a bill to be entitled, an act to amend an act entitled an act to reduce into one the several acts concerning Roads, Bridges, Ferries, and Highways, approved Jan. 12th 1827; which was read and ordered to a second reading tomorrow.

Mr. Barton from the committee on the Judiciary to which was referred a bill to be entitled, an act to amend an act to prohibit the introduction of Slaves in this State for sale or hire, reported the same as amended; which was concurred in. Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act better to regulate Judicial proceedings reported the same with sundry amendments. Ordered, that the bill together with the amendments lie on the table till tomorrow.

Mr. Barton from the same committee to which was referred a bill to be entitled, an act regulating judicial proceedings, reported the same as amended; which was concurred in, the bill was then read the third time as amended and passed:—Ordered, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for concurrence.

Mr. Barton, from the same committee to which was referred a bill to be entitled, an act to repeal in part an act passed the 12th January 1827 entitled an act to require additional services to be performed by the Judge of the first judicial circuit, reported that it is inexpedient, in the opinion of the committee to pass the bill.

On motion of Mr. Casey Ordered, that the bill and report lie on the table till tomorrow.

Mr. Barton from the special committee to which was referred a bill to be entitled, an act to regulate the inspection of Tobacco in this State, reported the same with sundry amendments, which were concurred in: The bill was then read the third time as amended and passed: Ordered that the Secretary acquaint the House of Representatives therewith.

Mr. Barton from the judiciary committee to which was referred a memorial to the Congress of the United States on the subject of the extension of the Federal judiciary system so as to admit the states received into the Union since the last extension thereof to a participation of its benefits reported a substitute for the memorial, which was read Ordered, that the memorial and substitute lie on the table till tomorrow.

Mr. Irwin from the special committee to which was referred a bill to be entitled, an act to change the time of holding the August term of the county court of Jefferson county; reported the same as amended, which was concurred in: Ordered, that the bill be engrossed and made the order of the day for a third reading tomorrow.

Mr. Jackson, from the special committee to which was referred a bill to be entitled, an act to make further compensation to John D. Terrell for services rendered in closing the unsettled accounts between this state and Mississippi reported the bill with its amendment to the Senate and asked to be discharged from the further consideration thereof.

Mr. Jackson, also submitted a detailed report of the services for which additional allowances are provided in the bill: Ordered, that the bill and report lie on the table till tomorrow.

The following communication was received from the Governor by James I. Thorton, Esq.

To the Honorable the Senate and
House of Representatives

EXECUTIVE DEPARTMENT.
January 2nd, 1828.

GENTLEMEN.

I feel it my duty to present to your consideration the instructions which have been given from the Treasury Department of the United States to the land offices in this state. Under these instructions no money is to be received in payment for the purchase of public lands, unless bills of the Bank of the United States—Bills of the specie paying banks of this state, or specie itself; and it is recommended to those who intend to become purchasers of public land, to provide themselves with specie or bills of the bank of the United States, as it is intimated that even the bills of the banks of this state may be refused at the offices without giving previous notice of intention to refuse them.

I may not be easy to perceive the good and public reason which induced these instructions, but it cannot escape observation what effects will be produced on several important interests, which it is the duty of this state, and also of the Government of the United States, to cherish and preserve. The practical consequence will be to drive from the land market as well the bills of the banks of this state, which are placed in an attitude so doubtful, as the bills of the banks of other states, which are expressly prohibited—both the one and the other must be productive of injurious consequences to this state as a body politic; and to its present population as the purchasers of public land. It is highly desirable that good and industrious citizens of other states, men of capital—and men at least able to purchase a residence on which to raise and support numerous families, should be encouraged to settle among us, increase our strength and resources, and render more compact our present sparse population.

The instructions will prove inconvenient and injurious to them as it may be difficult to procure the funds recommended or if they can be procured it will be attended with loss in the exchange many persons from other states will not hear of these regulations until they arrive at the land sales and those who have previously secured the suitable funds will have an undue influence in the sales or be enabled to part with their funds at an exorbitant advance. This will also be the case with many of our own citizens notwithstanding publication of the instructions and they will be reduced to the necessity of purchasing at second hand from others or be obliged to part with a portion of the money with which they intended to purchase a home.

It may be well asked for what good reason should money be rejected in this state which the United States received as good elsewhere in the payment of all public dues and the more especially as there is a branch of the bank of the United States established among us through whose agency it might easily be transmitted to any place if it should not receive a ready circulation here and even if the bank shall sustain some slight inconvenience it is amply compensated by the patronage of the government and should not be permitted to countervail the rights and interests of the purchasers of public lands. These instructions will prove injurious to the people of this state who are frequently obliged to receive in part for their produce the money of other states such as Louisiana New-York, Georgia south-Carolina Virginia, &c. They will be subjected to an unknown per cent in order to make the exchange a burden, which ought not to be thrown upon them by the Treasury of the United States. The difficulty of making the exchange of funds may lead to any demand the most exorbitant for the accommodation of that exchange.

These instructions will prove injurious to all our monied institutions as they raise the implication that they are not good or if that influence should not be admitted the still greater injustice and absurdity that although they are good a preference shall be given to other money even at the peculiar theatre of their operations and that their dealings with the community shall be dishonored at their own doors. The instructions will make the impression abroad that our monied institutions are so uncertain that confidence may not be placed in them but from day to day.

They seem indeed to admit that no overt act of pecuniary treason has been committed but at the same time they seem to suspect the treasonable tendency of their character and disposition there are at present but two specie paying Banks in this state the one a private the other a public Bank the transactions of the first have always been considered safe and it occupies a situation which renders it easy to provide every means of security the public faith wealth and resources of the state are pledged to secure the latter in the safety and integrity of its operations. These accumulated pledges ought to be sufficient to give to the citizens of this state who hold its paper especially in the purchase of the public domain within their own limits the privilege of buying a few thousand acres without a refusal or the injurious and threatening implication that it may be found necessary to refuse even without the delicate forbearance of previous notice. It ought to be supposed that the credit of the state of Alabama was sufficient to secure any amount of money even the greatest that was ever received at any one land sale in this state and that there might be time between one land sale and another to give previous notice should the disastrous contingencies arise against which the instructions seem to provide the instructions will prove injurious to the state because as far as the sale of public lands may extend, it places the paper of the state and local banks on a footing inferior to the paper of the United States bank or specie and thus encourages an operation of money brokerage the entire gains of which pro-

datory traffic the poor purchaser of public land exposed to sufficient trial from other causes will be obliged to pay. It is believed that these instructions will have a tendency to invite men of capital and speculation into the land market under some circumstances of undue advantage will either have the opportunity of buying the land without fair competition or to speculate on the money of those who are under the necessity to buy.

The whole operation of the instructions altho' it is not believed that it was so intended by the Treasury Department of the United States gives an unreasonable advantage to the paper of the United States Bank subjects foreign purchasers who intend to become citizens of this State to great disadvantage oppresses the people of the State with an unknown amount of unnecessary exchange in procuring the bills or funds recommended gives new spring and incitement to money brokerage the profits of which are levied with worse than tributary exaction on the poorer classes of the community and is the operation of the State and local banks encourages speculation which cannot profit the Government and will be highly injurious to us and finally throws a shade of discreditation on the most solemn and sacred pledges of the community in regard to the security of the State Bank paper. I beg leave therefore to recommend that an application be made to the Congress of the United States or to some proper authority of the General Government invested with power to regulate this matter to give such other instructions as may be safe to the United States and preserve more perfectly the rights and interests of this State.

I have the honor to be most respectfully your ob't. serv't.

SIGNED

JOHN MURPHY.

Ordered: that the communication be referred to the committee on the Judiciary to consider and report thereon.

Mr. Powell, from the Joint committee on enrolled bills reported as correctly enrolled.

An act, concerning the Estates of deceased persons—which was accordingly signed by the President.

Mr. McCamy, offered the following Resolution:—**Resolved,** that the House of Representatives be informed that the Senate will be ready to adjourn *sine die* on Tuesday next the 8th instant, which was adopted.

Engrossed bills to be entitled, **an act,** to repeal in part and amend an act entitled an act to incorporate the Muscle Shoals canal company and

An act, to revive and continue in force an act, entitled an act, to amend the charter of the Planters and Merchants Bank of Huntsville, were severally read the third time and passed. **Ordered,** that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for concurrence.

An engrossed bill to be entitled, **an act,** defining the powers of the county courts, was read the third time and passed:—Yeas 11. Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Ash Barton Casey Earle Evans Irwin Jackson Miller Shackelford and Sullivan.

Those who voted in the negative are: messrs. Brown, Craft, Jones, McCamy, Merriwether, Moore and Skinner.

Ordered, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for concurrence.

A bill to be entitled, an act to amend an act to provide for the printing of the Laws and Journals and for other purposes passed 25th Dec. 1822, was read the second time and ordered to be engrossed for a third reading tomorrow.

A bill to be entitled, an act to increase the capital of the Bank of the State of Alabama, was read the second time and ordered to lie on the table till tomorrow.

A message from the House of Representatives by Mr. Tunstall—Mr. President, the House of Representatives concur in the amendments made by the Senate to the bill entitled, an act to apportion the Representatives among the several counties in this State, and divide the State into Senatorial Districts according to the late census, except the amendment made

by adding thereto an additional section. In which latter amendment they disagree. They have passed a bill which originated in their House entitled, an act to authorise William Haynes to sell and convey a certain tract of land therein mentioned and for other purposes.—In which they desire your concurrence. They concur in the amendment made by the Senate to the Joint Resolution proposing amendments to the constitution of the State of Alabama: They also concur in the amendments made by the Senate to the bill entitled, an act for the relief of Wm. Jones of Walker County. They also concur in the amendment made by the Senate to the bill entitled, an act for the relief of Caswell R. Clifton tax-collector of Madison County.

Ordered, that the Senate insist on their amendment to the bill entitled, an act to apportion the Representatives among the several counties in this State, and divide the State into Senatorial Districts, according to the late census by adding thereto an additional section: Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill (from the H. of R.) entitled, an act to authorise William Haynes to sell and convey a certain tract of of land therein mentioned, was read the first time and ordered to a second reading to-morrow.

A bill to be entitled, an act to repeal an act therein mentioned, was read the second time and ordered to lie on the table till to-morrow.

Mr. Jones called up the bill to be entitled, an act to define the corporate limits of the Town of Sparta in Conecuh County, and for other purposes, Ordered, that the bill be made the order of the day for a third reading to-morrow. And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, January 4th, 1828.

The Senate met pursuant to adjournment.

Mr. Powell presented the account of George W. Crabb against the state; which was referred to the committee on accounts and claims to consider and report thereon.

A message from the House of Representatives by Mr. Tunstall their clerk.—Mr. President, the House of Representatives have passed bills which originated in the Senate entitled, an act to organize and establish a circuit court in Dale County, and to arrange the counties of the 1st 2d and 6th, Judicial circuits, and have amended the same in the manner herewith shewn; also an act to form a seventh Judicial circuit, and have amended the same as herewith shewn; also an act to repeal so much of the 3d section of an act entitled an act to reduce the expenses of the General Assembly, and for other purposes passed at Cahawba the 15th day of Jan. 1821, as is herein specified, and have amended the same by striking out \$500, and inserting 425\$; also—An act to amend an act entitled, an act to Incorporate the town of Elyton in the county of Jefferson passed 20th Dec. 1820, and have amended the same in the manner herewith shewn; also—An act to emancipate certain persons therein mentioned; An act to repeal an act entitled, an act to provide for the payment of Petit Jurors in certain counties therein named approved Dec. 22d 1826, so far as said act relates to the counties of Dallas Madison and Montgomery; and have amended the same as herewith shewn.—In all of which amendments they respectfully desire your concurrence. They have also passed bills which originated in the Senate entitled, an act to provide for the translation and preservation of the Spanish Records of this State; and an act reviving an act authorising a lottery for the benefit of the navigation of the Boute-

hatchee River. They have read three several times and passed bills which originated in the House of Representatives, an act entitled an act to require the Judges of the county courts to renew their bonds; Joint Resolution to provide for the accomodation of the next General Assembly; An act to incorporate the Trustees of Oak Grove Academy of Perry County; An act granting to the Heirs, Representatives and Associates of John Byler dec'd. the privilege of erecting a gate on the road known by the name of Byler's Turnpike Road; An act for the benefit of the estate of Daniel Davis dec'd. late of Monroe County; An act to declare void a certain rule of the Supreme Court, an act to authorise Wyatt Harper adm'r. of William Bates dec'd. to sell and transfer real estate; An act to provide for the payment of Petit Jurors in the county of Jefferson; An act to change the name of certain persons therein named; An act to repeal an act entitled, an act to provide for the payment of Petit Jurors in the counties therein named, and for other purposes passed Dec. 25th 1824, as far as the same applies to the county of Autauga, and for other purposes; and an act to place a certain road therein named under the control of the commissioners court of Revenue and Roads of Shelby County.—In all of which they respectfully desire your concurrence.

They have adopted the following resolution, in which they desire your concurrence: *Resolved*, That this House with the concurrence of the Senate will on Friday (this day) the 4th instant at the hour of 6 o'clock P. M. proceed to elect a President and Twelve Directors for the Bank of the State of Alabama.

On motion of Mr. Hubbard, *Ordered*, that the bill entitled an act, to organize and establish a circuit court in Dale county, and to arrange the counties of the 1st, 2nd, 6th, Judicial circuits, together with the amendments made thereto by the House of Representatives be returned to the House with a request that the amendments made to the bill by that body be engrossed and arranged in such a manner as to make them intelligible to the Senate: *Ordered*, that bills, which originated in the Senate and which were amended in the House of the following titles to wit.

An act to form a seventh Judicial Circuit.

An act to repeal so much of the 3rd section of an act entitled, an act to reduce the expenses of the General Assembly and for other purposes passed at Cahawba 15th, day of June 1821 as is herein specified.

An act, to amend an act entitled, an act to incorporate the Town of Elyton in the county of Jefferson passed 20th Dec. 1820: and An act to repeal an act entitled, an act to provide for the payment of Petit Jurors in certain counties therein named approved Dec. 22nd 1826 so far as said act relates to the counties of Dallas, Madison and Montgomery, be returned to the House of Representatives with the same request: *Ordered*, that the Resolution from the House of representatives proposing with the concurrence of the Senate, to go into the election of a President and twelve directors of the Bank of the state of Alabama this evening at 6 o'clock lie on the table.

A bill from the House of representatives entitled, an act to change the names of certain persons therein named was read: and the rule requiring bills to be read on thren several days being dispensed with, the bill was read the second time forthwith and ordered to lie on the table till tomorrow.

A Joint Resolution, to provide a House for the accomodation of the next general assembly was read: and the rule requiring Joint resolutions

to be read on three several days being dispensed with; the resolution was read the second and third time forthwith and passed: *Ordered*, that the secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives, entitled, an act, to require the Judges of the county courts to renew their bonds.

An act, to incorporate the Trustees of Oak-Grove Academy of Perry County.

An act granting to the Heirs, representatives and associates of John Byler dec'd, the privilege of erecting a gate on the road known by the name of Byler's Turnpike road.

An act, for the benefit of the estate of Daniel Davis deceased, late of Monroe county.

An act, to declare void a certain rule of the supreme court; an act to authorize Wyatt Harper adm'r. of William Bates dec'd, to sell and transfer real estate.

An act, to provide for the payment of petit Jurors in the county of Jefferson.

An act, to repeal an act, entitled, an act, to provide for the payment of petit Jurors in the counties therein named, and for other purposes passed December 25th 1824, as far as the same applies to the county of Autauga; and for other purposes; and.

An act, to place a certain road therein named under the control of the commissioners court of revenue and roads of Shelby county, were severally read the first time and ordered to a second reading tomorrow.

A message from the Governor by Mr. Thornton, Mr President. The Governor did on the 30th ult. approve and sign, an act, to change the time of holding the county court of Monroe county; and an act, to authorize the Judge of the county court and the commissioners of revenue and roads of Tuscaloosa county to hold a special court; and on the 3rd inst. an act, to incorporate the summerville Philomatheon society; and

An act, relative to the duties of grand juries, all of which originated in the senate.

An engrossed bill to be entitled: an act to change the time of holding the August Term of the county court of Jefferson county was read the third time—Mr Hubbard offered an amendment to the bill by way of rider changing the time of holding the county court of Lauderdale county, *Ordered*, that the bill together with the amendment lie on the table.

Engrossed bills entitled, an act, to amend an act, to prohibit the introduction of slaves into this state for sale or hire; and, an act, to amend an act, entitled, an act, to provide for printing the laws and journals, and for other purposes, passed 25th December 1822, were severally read the third time and passed: *Ordered*, that the titles of the bills be as aforesaid and that they be sent to the House of Representatives for concurrence.

A bill from the House of Representatives entitled, an act, to define the incorporated limits of the town of Sparta, in Conecuh county, and for other purposes, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A Bill to be entitled, an act, better to regulate judicial proceedings together with the amendments proposed to the bill, by the committee on the Judiciary was taken up.

The question was put on concurring in the report of the committee proposing to strike out the first section of the bill which is as follows: that

from and after the passing of this act the office of the clerk of the supreme court shall be kept open during the whole of each and every day (sundays excepted) for the purpose of doing all necessary business with members of the bar or other persons having lawful business therein any rule of said clerk prescribing office hours to the contrary notwithstanding"—and determined in the negative Yeas 7. Nays 12.

The yeas and nays being desired those who voted in the affirmative are Mr. President, Barton, Brown Earle Jackson, Merriwether and Powell.

Those who voted in the negative are Messrs. Ash Casey Evans Hubbard Irwin Jones McCamy Miller Moore Shackelford Skinner & Sullivan. On the report proposing to strike out the 1st section of the bill was disagreed to.

The question was then put on concurring in the amendment made by the committee to the bill by striking out the 3rd section which is as follows:—*And be it further enacted, that it shall not be lawful for the supreme court to keep any delay docket, but the said court shall try all cases in order in which they are entered upon the docket of the clerk who shall dock-
et the same according to the true date of the arrival in his office of the transcript of the records from the court's helve.*"—and determined in the affirmative.—Yeas 10. Nays 9.

The yeas and nays being desired those who voted in the affirmative are, Mr. President, Barton Brown Casey Earle Jackson Merriwether Powell Shackelford and Sullivan. Those who voted in the negative are, Messrs. Ash Evans Hubbard Irwin Jones McCamy Miller Moore and Skinner.

So the 3d section of the bill was stricken out.

Mr. Hubbard moved that the Senate disagree to the amendment made by the committee by striking out the 3rd section of the bill which is as follows:—*And be it further enacted, That the Clerk of the Supreme court shall not be entitled, to any other and higher fees than are by law allowed to the clerks of the circuit courts for similar services any law to the contrary notwithstanding;*" which motion was lost.—Yeas 7. Nays 11.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Ash Evans Hubbard Jones McCamy Miller and Skinner.

Those who voted in the negative are Mr. President, Barton Brown Casey Earle Jackson Merriwether Moore Powell Shackelford & Sullivan.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled, an act to amend an act entitled, an act to reduce into one the several acts concerning Roads, Bridges, Ferries and Highways, approved Jan. 12th 1827, was read the second time, and ordered to be engrossed for a third reading to-morrow.

And then the Senate adjourned till 3 o'clock this evening.

Evening Session.

Mr. Jackson from the special committee appointed to enquire whether the public printer has neglected to perform his duty under the orders of this House submitted a letter from the public printer and reported that the printer has given bond and security for the faithful discharge of his duty. Ordered, that the committee be discharged from the further consideration of the subject.

A bill to be entitled, an act to make further compensation to John D. Torrell for services rendered in closing the unsettled accounts between this State and Mississippi, was taken up.

Mr. McCamy moved to amend the amendment offered by Mr. Powell

to the bill by striking out the words "a like sum to M. D. Williams Esq. his associate commissioner and to insert the words "the sum of— to M. D. Williams;" which was carried.

Mr. Jackson moved to strike out *one hundred dollars* the amount appropriated to John D. Terrell, with a view of inserting *seventy dollars*. The question being taken on striking out it was carried.—yeas 11, nays 8.

The yeas and nays being desired those who voted in the affirmative are, Mr. President Ashe Barton Brown Casey Crabb Earle Jackson Jones Powell and Sullivan.

Those who voted in the negative are, messrs. Evans Hubbard M'Caney merriwether miller moore Shackelford and Skinner.

Mr. Miller moved to fill the blank with *ninety dollars* as a compensation to Mr. Terrell, which was lost.—Yeas 8, Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Evans Hubbard M'Caney merriwether miller moore Shackelford and Skinner.

Those who voted in the negative are, Mr. President Ashe Barton Brown Casey Crabb Earle Jackson Jones Powell and Sullivan.

Mr. Hubbard moved to fill the blank with *eighty dollars* which was lost.

Mr. Jackson moved to fill the blank with *seventy dollars* which was carried.

Mr. Powell moved to fill the blank relating to the compensation of M. D. Williams with *seventy dollars*; which was lost.—Yeas 2, Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Powell and Shackelford.

Those who voted in the negative are, Mr. President, Ashe, Barton, Brown, Casey Crabb Earle Evans, Hubbard, Jackson, Jones, M'Caney, merriwether, miller moore Skinner and Sullivan.

Mr. Brown moved to fill the blank with *fifty dollars* which was lost.

Mr. Barton moved to reconsider the vote of the Senate adopting the amendment providing for compensation to M. D. Williams; which was carried.

Mr. Crabb moved to strike out all the bill after the enacting clause; which was lost. Ordered, that the bill be engrossed for a third reading to-morrow.

A message from House of Representatives by Mr. Tunstall their clerk.—Mr. President, the House of Representatives herewith return to the Senate bills of the following titles to wit: An act to amend an act to incorporate the Town of Elyton in the county of Jefferson passed Dec. 20th 1820; An act to form a seventh judicial circuit; An act to repeal so much of the 3d section of an act entitled, an act to reduce the expenses of the General Assembly, and for other purposes passed at Cahawba 15th day of June 1821, as is herein specified; An act to repeal an act entitled, an act to provide for the payment of Petit Jurors in certain counties therein named, approved Dec. 22d 1826, so far as said act relates to the counties of Dallas, madison, and montgomery; An act to organize and establish a circuit court in Dale County, and to arrange the counties of the 1st 2d and 6th Judicial Circuits; I am directed by the House to inform your honorable body that the House of Representatives have transcribed the amendments made by the House to said bills so that the same may be intelligible to the Senate. Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill entitled, an act to provide for the payment of Petit Jurors in certain counties therein named approved Dec. 22d 1826, so far as said act relates to the counties of Dallas, madison and montgomery. Ordered, that the Secretary acquaint the House of Representatives therewith. Ordered that the bill entitled, an act to form a seventh Judicial Circuit, together with the amendments made thereto by the House of Representatives lie on the table till to-morrow.

Ordered, that the Senate concur in the amendments made by the House of

Representatives to the bill entitled, an act to repeal so much of the 2d section of an act entitled, an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahaba 15th day of June 1821, as is herein specified. Ordered, that the Secretary acquaint the House of Representatives therewith. Ordered, that the Senate disagree to the amendment made by the House of Representatives to the bill entitled, an act to amend an act to incorporate the Town of Elyton in the county of Jefferson passed Dec. 20th 1820, by striking from the 13th line of the 1st section of the bill 'one dollar' and inserting 'twenty five cents.' Ordered, that the Senate concur in the remainder of the amendments made by the House to said bill. Ordered, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the bill entitled, an act to organize and establish a circuit court in Dale County, and to arrange the counties of the 1st 2d and 6th Judicial Circuits, together with the amendments made thereto by the House of Representatives lie on the table till monday next.

A bill to be entitled, an act to authorize William Hynes to sell and convey a certain tract of land therein mentioned, and for other purposes, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled, an act to repeal in part an act passed the 13th day of January 1821, entitled, an act to require additional services to be performed by the Judges of the first Judicial Circuit, together with the Report of the Judiciary Committee adverse to the passage of the bill was taken up.—The question was put & still the Senate concur in the report of the Judiciary Committee and the bill was rejected.

A memorial to the Congress of the United States on the subject of the extension of the federal judiciary system so as to admit the states received into the Union since the last extension thereof to a participation of its benefits, together with the substitute proposed by the special committee as an amendment to the memorial was taken up. The substitute was adopted and the memorial as amended, ordered to a third reading to-morrow.

A bill to be entitled, an act to increase the Capital of the Bank of the State of Alabama was taken up and ordered, to a third reading to-morrow.

A bill to be entitled, an act to repeal an act therein mentioned, was taken up and referred to the committee on the State Bank to consider and report thereon.

Mr. Evans introduced a bill to be entitled, an act to establish the damages to be paid on writs of Error; which was read and ordered to a second reading to-morrow.

Mr. Casey moved that the Senate now adjourn till 10 o'clock on Monday morning; which was lost.—Yeas 9, Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President Brown Casey Crabb Earle Evans Jackson Jones & Shackelford.

Those who voted in the negative are, Messrs. Ashe Barton Hubbard & Camy Merriweather Miller Moore Powell Skinner and Sullivan.

Mr. Sullivan then moved that the Senate adjourn till half past 9 o'clock on Monday morning; which was carried.—And the Senate accordingly adjourned till Monday morning.

Monday, January 7th, 1822.

The Senate met pursuant to adjournment.

Mr. Shackelford from the committee on schools and colleges and school and college lands, to which was referred a bill to be entitled, an act to authorize the sale of the sixteenth sections and for other purposes, reported the same as amended by striking out all after the enacting clause and substituting another bill in lieu thereof.

Mr. Crabb offered a further amendment to the bill, ordered that the bill and amendments lie on the table and that fifty copies of the substitute together with the amendment offered by Mr. Crabb be printed for the use of the Senate.

Mr. Crabb from the special committee to which was referred the petition of sundry citizens of Morgan County, reported a bill to be entitled, an act to authorise the building a Jail in Morgan County; which was read. The rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith and ordered to be engrossed for a third reading tomorrow.

Mr. Powell from the joint committee on enrolled bills reported as correctly enrolled, an act altering the punishment of forgeries and counterfeiting in certain cases.

Joint resolution, in relation to an exchange of sixteenth sections; an act to amend an act entitled, an act to incorporate the town of Mooresville, and for other purposes passed the 10th day of November 1818; an act in relation to a certain land the title named.

An act, to divorce Winney Gaines from her husband Francis T. Gaines.

An act, to authorize James Mahan, William Lovelady John Gardner and Ransom Davis to enter a certain quantity of University land for the purposes therein mentioned.

An act, to provide for the support of paupers in the counties of Madison, Autauga, Tuscaloosa and Clarke.

An act, to authorize the Judge of the county court of Monroe county and the commissioners of roads and revenue, to levy a special tax for the purpose therein specified.

An act, for the relief of William Jones of Walker county.

An act, to authorize the raising of three thousand dollars for the purpose of building a bridge across Shoal Creek.

Joint resolution in relation to the Cherokee boundary; an act, for the relief of Caswell R. Clifton, tax collector of Madison county.

An act, reviving an act, authorizing a lottery for the benefit of the navigation of the Butte-hatchee river.

An act, to repeal so much of the 3rd section of an act entitled, an act to reduce the expenses of the general assembly, and for other purposes, passed at Cahawba the 15th day of June 1821 as is therein specified.

An act, to emancipate certain persons therein mentioned; and, an act to provide for the translation and preservation of the Spanish records of this State—all of which were accordingly signed by Mr. President.

Mr. Powell obtained leave to introduce a bill to be entitled, an act to provide for the speedy collection of debts due the Bank of the State of Alabama in certain cases; which was read—The rule requiring bills to be read on three several days being dispensed with, the bill was read, the second time forthwith amended and referred to the committee on the Judiciary to consider and report thereon.

Mr. Shackelford, called up the bill to be entitled, an act, for the relief of Dugald McFarlane. The question was then put, shall the bill pass; and determined in the affirmative. Ordered, that the Secretary, acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Tunstall, their Clerk.

Mr. President:—The House of Representatives have passed bills which originated in the Senate entitled, an act, to authorize John P. Neale agent of William A. Powell to emancipate John Robinson a man of color, and have amended the same in the manner herewith shewn—also; an act, to incorporate the town of Tuscaloosa and to repeal an act, incorporating said town passed the 13th December 1819, and have a-

mended the same in the manner herewith shewn—In which amendments they desire your concurrence.

They have read three several times and passed bills which originated in their House entitled, an act to amend in part and repeal in part, an act to establish the Town of Whitesburgh and incorporate its Trustees.

An act, to regulate the payment of Petit jurors in the county of Washington,

An act, to authorize the Judge of the county court and commissioners of roads and revenue of Shelby county to levy an extra tax;

An act, to authorize the commissioners of revenue and roads of Mobile county to levy a special tax, and for other purposes.

An act, to amend in part an act entitled, an act, to reduce into one the several acts concerning roads, bridges, ferries and highways.

An act, relative to the estate of Isaac Edwards late of Catoobah county, deceased.

An act, to emancipate certain slaves therein named; an act to authorize the election of a justice of the peace in the town Columbia in Shelby county; an act, amendatory of the common law as hereinafter provided; an act, to amend an act, to incorporate the town of Montgomery; an act, to authorize sheriffs to take bonds in certain cases; an act, to authorize the county court of Jackson county to levy an extra tax; an act, to change the place of holding the medical board for the district of Calhoun; an act to establish the dividing line between the counties of Bibb and Tuscaloosa according to the existing laws; an act, to amend an act, entitled, an act concerning roads, highways bridges and ferries in the county of Mobile; an act, to authorize Jesse Lott to continue a toll bridge erected over dog river in the county of Mobile.

An act, to divorce James Pharr from Mary Pharr, an act to repeal in part and amend an act entitled, an act, respecting slaves passed March 6th 1805; an act changing the time of holding the county courts in Greene and Perry counties; an act, providing for the election of a sheriff in Blount county, and for other purposes; an act, to provide for the establishment of the permanent seat of justice in the county of Walker.

Joint resolution authorizing the Governor to order the Quarter master General of this State to deliver a Field Piece to the Artillery company at Clairborne, and for other purposes.

A joint resolution declaring the expiration of the office of the present trustees of the University of the State of Alabama; an act, authorizing a lottery for the purpose of establishing a free school on the Lancasterian plan of tuition in the town of Huntsville, and the purchasing a clock for the use of said Town; and, an act, to amend an act incorporating the town of Athens—In all of which they desire your concurrence.

They concur in the amendments made by your Honorable body to the bill entitled, an act, to regulate the inspection of Tobacco in this State.

The House insisting on their disagreement to the amendment made by the Senate to the bill entitled, an act, to apportion the Representatives among the several counties in this State, and divide the State into Senatorial districts according to the late census, by an additional section.

Mr. Barton, moved that the Senate adhere to their amendment to the bill entitled, an act, to apportion the Representatives among the several counties in this State, and divide the State into Senatorial districts according to the late census, by adding thereto an additional section requiring the census of Mobile and Limestone counties, to be retaken and

providing that the said counties shall have an additional Representative each, in the event that the representative population of said counties at the time the census ought to have been taken, was sufficient to entitle them thereto—and that a committee of conference be appointed on said disagreement; which motion was lost—Yeas 8. Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Ash Barton Brown Earle Jackson Powell & Shackelford.

Those who voted in the negative are; Messrs. Casey, Crabb, Evans, Hubbard Irwin Jones McCamy Merriwether Miller Moore Skinner and Sullivan.

Mr. Barton, then moved that the Senate insist on their amendment to the bill by adding an additional section; which was lost, Yeas 10 Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Ash, Barton Brown Crabb Earle Hubbard Jackson Powell and Shackelford.

Those who voted in the negative are, Messrs. Casey, Evans, Irwin, Jones, McCamy, Merriwether, Miller, Moore, Skinner, and Sullivan.

The President then determined that the question required whether the Senate would insist or adhere to their amendment to the bill, or whether they would recede, and that it was competent for the Senate by an affirmative vote to do either; that the refusal to adhere or insist was not equivalent to a recessing from their amendment for the reason that to recede did not result from a determination not to insist. From this decision Mr. Casey appealed to the Senate and the decision was overruled, Yeas 7, Nays 12.

The yeas and nays being desired those who voted in favor of the decision of the chair are, Mr. President, Barton, Brown Earle Jackson Powell and Shackelford.

Those who voted in the negative are, Messrs. Ash Casey, Evans Hubbard Irwin Jones McCamy Merriwether, Miller Moore Skinner and Sullivan.

Mr. Casey then offered the following resolution, resolved: that the Secretary inform the House of Representatives that the Senate have receded from insisting on their amendment to the bill entitled, an act to apportion the Representatives among the several counties in this state, & divide the state into Senatorial districts according to the late census by adding thereto an additional section; which was adopted—and then the Senate adjourned till half past 2 o'clock this evening.

EVENING SESSION.

On motion of Mr. Powell, *Ordered*, that the bill entitled, an act, to incorporate the town of Tuscaloosa and repeal an act incorporating said town passed 15th December 1819, together with the amendments made thereto by the House of Representatives lie on the table. *Ordered*, that the Senate concur in the amendment made by the House of Representatives to the bill entitled, an act, to authorize John P. Neale agent of William A. Powell, to emancipate John Robins a man of color—*Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr. Crabb, called up the bill entitled, an act, to form a seventh judicial circuit *Ordered*, that the Senate disagree to the amendment made by the House of Representatives to the bill, relating to a change in the time of holding courts in the fifth judicial circuit.

The amendment relating to an extension of the term of Tuscaloosa circuit court was concurred in, *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Bills from the house of representatives of the following titles to wit: an act to provide for the establishment of the permanent seat of justice in the county of Walker.

Joint resolution authorizing the Governor to order the Quarter master General of this state to deliver a Field piece to the Artillery company at Claiborne and for other purposes, an act, to amend the act incorporating the town of Athens, an act amendatory of the common law as heretofore provided; an act to change the place of holding the medical board for the district of Cahawba, an act, to establish the dividing line between the counties of Bibb and Tuscaloosa according to the existing laws; an act, to repeal in part and amend an act entitled, an act, respecting slaves passed March 6th 1805; an act providing for the election of a sheriff in Baldwin county; an act, to emancipate certain slaves therein named, an act relative to the estate of Isaac Edwards late of Conecuh county, deceased; and, An act to authorize the commissioners of revenues & taxes of Mobile county to levy a special tax and for other purposes, were severally read the first time and ordered to a second reading tomorrow.

A bill to be entitled, an act authorizing a Lottery for the purpose of establishing a free school on the Lancasterian plan of tuition, in the town of Monticello, and the purchasing a clock for the use of said Town was read the first time.—The rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith, and Ordered, to lie on the table till tomorrow.

A Joint resolution declaring the expiration of the office of the present Trustees of the University of Alabama was read: and the rule requiring Joint resolutions to be read on three several days being dispensed with, the Resolution was read the second time, and ordered to a third reading tomorrow.

A bill from the House of Representatives entitled, an act to amend an act to incorporate the Town of Montgomery, was read—and the rule requiring bills to be read on three several days being dispensed with, by the requisite majority, the bill was read the second and third time forthwith and passed. Ordered, that the Secretary inform the House of Representatives thereof.

A bill to be entitled, an act to authorize sheriffs to take bonds in certain criminal cases, was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled, an act to authorize the county court of Jackson County to levy an extra tax, was read and the rule being dispensed with, the bill was read the second time forthwith, and referred to a special committee consisting of Messrs. McCamy Miller and Hubbard to consider and report thereon.

A bill to be entitled, an act to amend an act entitled an act concerning Roads Highways Bridges and Ferries in the County of Mobile, was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act to authorize Jesse Lott to continue a toll Bridge erected over Dog River in the county of Mobile, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed.

Ordered, that the words "and for other purposes" be added to the caption of the the bill and that the Secretary acquaint the House therewith.

A bill to be entitled, an act to divorce James Pharr from Mary Pharr was read, and the rule being dispensed with, the bill was read the second time and ordered to a third reading tomorrow.

A bill to be entitled, an act changing the time of holding the county court in Greene and Perry County, was read the first and second time and referred to a special committee consisting of Messrs. Sullivan Merriwether and Casey to consider and report thereon.

A bill to be entitled, an act to authorize the election of a Justice of the Peace in the Town of Columbia in the county of Shelby, was read, and the rule requiring bills to be read on three several days being dispensed with the bill was read the second time and ordered to a third reading tomorrow.

A bill to be entitled, an act to amend an act entitled an act to reduce into one the several acts concerning Roads, highways, Bridges and Ferries, was read the first time.

Mr. Casey moved that the bill lie on the table till the first day of June next which was carried.

Bills from the House of Representatives entitled, an act, to authorize the Judge of the county court and commissioners of revenue and roads of Shelby county to levy an extra tax; an act, to amend in part and repeal in part an act, to establish the town of Whitesburgh and incorporate its trustees; and, an act, to regulate the payment of Petit Jurors in the county of Washington, were severally read the first time. The rule requiring bills to be read on three several days being dispensed with, the bills were severally read the second and third time and passed, ordered, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Trustall their clerk: Mr. President, The House of Representatives have adopted the following resolution in which they ask your concurrence.

Resolved, that with the concurrence of the Senate the two Houses will procede this evening at the hour of 7 o'clock to the election of a Judge and Solicitor for the seventh Judicial circuit, ordered that the resolution lie on the table.

Mr. Casey, moved to reconsider the vote of the Senate ordering a joint resolution declaring the expiration of the office of the present Trustees of the University of the State of Alabama, to a third reading tomorrow, which was carried.

Mr. Casey then offered the following amendment to the resolution, — "And be it further resolved, that the 3rd and 4th sections, of an act entitled an act, to repeal in part and amend an act, entitled an act supplementary to an act to establish a State University, passed December 24th 1822 so far as relates to the election of six additional Trustees to reside within fifty miles of the site selected, be and the same is hereby repealed," which was adopted, The rule requiring joint resolutions to be read on three several days being dispensed with the resolution was read the third time as amended and passed, ordered, that the Secretary acquaint the House of Representatives therewith.

Engrossed bills to be entitled, an act, better to regulate judicial proceedings, an act to amend an act, entitled, an act to reduce into one the several acts concerning roads highways, bridges and ferries, approved January 12th 1827, and, an act, to make further compensation to John

D. Terrell for services rendered in closing the unsettled accounts between this State and Mississippi, were severally read the third time and passed, ordered, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for concurrence.

A memorial to the Congress of the United States on the subject of the extension of the federal judiciary system so as to admit the States received into the union since the last extension thereof to a participation of its benefits, was read the third time as amended and passed, Ordered, that the House of Representatives be informed thereof.

A bill to be entitled, an act, to change the names of certain persons therein mentioned; and, an act, to authorize William Hynes to sell and convey a certain tract of land therein mentioned and for other purposes, were severally read the third time and passed: Ordered, that the Secretary acquaint the House of Representatives therewith. A bill to be entitled, an act to increase the Capital of the Bank of the State of Alabama was read the third time.

Mr Jackson moved that the bill lie on the table, till the first day of June next, a call of the House being demanded, the bill, according to a rule of the Senate, was laid on the table for one hour.

A bill to be entitled, an act, to establish the damages to be paid on writs of Error, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

A bill to be entitled, an act, to incorporate the Trustees of Oak Grove Academy of Perry county, and, an act, to provide for the payment of Petit Jurors in the county of Jefferson were severally read the second time—The rule requiring bills to be read on three several days being dispensed with the bills were severally read the third time forthwith and passed—Ordered, that they be returned to the House of Representatives.

A bill to be entitled, an act, to require the Judges of the county courts to renew their bonds: an act, for the benefit of the Estate of Daniel Davis, late of Monroe county deceased: an act, to declare void a certain rule of the Supreme Court: an act, to authorize Wyatt Harper adm'r. of William Bates dec'd to sell and transfer real Estate; and, an act, to repeal an act entitled, an act, to provide for the payment of Petit Jurors in the Counties therein named, and for other purposes passed December 25th 1824, as far as the same applies to the county of Autauga, and for other purposes, were severally read the second time and ordered to a third reading tomorrow.

A bill to be entitled, an act, granting to the Heirs, Representatives and associates of John Byler dec'd, the privilege of erecting a gate on the road known by the name of Bylers Turnpike road, was read the second time and referred to a special committee consisting of Messrs. Powell, Moore & Hubbard, to consider and report thereon.

Mr. Barton, obtained leave to introduce a bill to be entitled, an act, amendatory of the several acts heretofore passed in relation to the public revenue, which was read and ordered to a second reading tomorrow, and then the Senate adjourned till tomorrow morning at 9 o'clock.

Tuesday January 8th 1825.

The Senate met pursuant to adjournment.

Mr. McCamy from the special committee to which was referred a bill to be entitled, an act, to authorize the county court of Jackson county to levy an extra tax, reported the same without amendment.

The bill was then read the third time and passed, ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Powell, from the joint committee on enrolled bills reported as correct, enrolled.

A joint resolution proposing amendments to the Constitution of the State

of Alabama.

An act, to amend an act, entitled, an act, incorporating the town of Huntsville, an act, to authorize Josiah D. Lister administrator of the estate of Charles Vixian dec'd, to settle his accounts in the circuit court of Washington county, an act, to repeal an act, entitled, an act, to provide for the payment of petit jurors in certain counties therein named approved 22d December 1826 so far as the same relates to the counties of Dallas Marengo and Clarke, an act, to extend to St. Clair and Shelby counties concurrent civil and criminal jurisdiction with Autauga county in the creek nation; and, an act, incorporating the town of Courtland in the county of Lawrence, all of which were accordingly signed by Mr. President.

Mr. President, laid before the Senate a letter from Henry Hitchcock Esq. United States Attorney for the Southern District of Alabama, upon the subject of the recent assignment by the Tombeckbe Bank of a part of its debts to the United States; which was read and ordered to be spread upon the journals.

Mr. Miller moved to reconsider the vote of the Senate on the adoption of the Resolution instructing the Secretary to inform the House of Rep's. that the Senate recede from insisting on their amendment to the bill entitled, an act, to apportion the Representatives among the several counties in this State and divide the State into Senatorial Districts according to the late census, which was lost.—Yeas 8. Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Barton, Brown, Earle, Jackson Miller Powell Shackelford.

Those who voted in the negative are, Messrs. Ashe, Casey Crabb, Evans, Hubbard Irwin, Jones mc'Camy Merriwether Moore Skinner & Sullivan.

Mr. Hubbard, moved that the Senate concur in the amendment made by the House of Representatives to the bill entitled, an act to organize & establish a circuit court in Dale county and to arrange the counties of 1st 2d and 6th Judicial Circuits; which was lost.

Ordered, that the Senate disagree to the amendments and that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act, to increase the capital of the Bank of the State of Alabama was taken up.

The question was put on Mr. Jackson's motion to lay the bill on the table till the first day of June next and determined in the negative Yeas 8, Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Barton, Brown, Earle, Jackson, Jones mc'Camy, Powell.

Those who voted in the negative are, Messrs. Ash, Casey Crabb Evans Hubbard Irwin, Merriwether Miller Moore Shackelford Skinner and Sullivan.

The question was then put "shall the bill pass," and determined in the affirmative Yeas 12, Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Ash, Casey, Crabb, Evans, Hubbard Irwin, Merriwether, Miller, Moore, Shackelford Skinner and Sullivan.

Those who voted in the negative are, Mr. President, Barton, Brown, Earle, Jackson, Jones, mc'Camy and Powell. The bill was passed.

Ordered, that the Secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled, an act, to authorize the building a Jail in Morgan county, was read the third time amended by way of order on Mr. Jones' motion and passed, ordered, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act, to authorize the election of a justice of the peace in the town of Columbia in Shelby county, was read the third time amended on Mr. Powell's motion and passed, ordered that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Tunstall their Clerk. Mr. President. The House of Representatives have passed bills which originated in the Senate entitled, an act to provide for reports of the decisions of the supreme court of this State, and have amended the same in the manner herewith shewn, an act, concerning the owners and keepers of mills and other water works and have amended the same as herewith shewn, an act, further to amend the charter of the Bank of the State of Alabama, and have amended the same in the manner herewith shewn, an act, to authorize John G. Cragh to bring into this State the slaves of his wards Anne D. Houze and James Houze, and have amended the same as herewith shewn, an act to authorize and require the Secretary of State to procure and distribute to each county in this State one set of weights and measures, and have amended the same as herewith shewn, an act, more effectually to prevent frauds and fraudulent conveyances, & for other purposes, and have amended the same by adding thereto two additional sections. In all of which amendments they desire your concurrence, also, an act, to amend an act, entitled an act, to provide for the printing of the laws and Journals, and for other purposes.

They recede from their amendment to the bill entitled, an act, to form a seventh judicial circuit by striking out the seventh section and substituting another in lieu thereof. They also recede from their amendments to the bill entitled, an act, to amend an act, to incorporate the town of Elyton by striking out one dollar in the 13th line of the first section and inserting "twenty five cents."

They have passed bills which originated in the House of Representatives entitled, an act, giving additional power to the commissioners for superintending the erection of the State Capitol and compensating the superintendent, an act, to provide for keeping in repair a certain road therein named, an act, to repeal in part a certain act, therein named, an act, to repeal in part an act, passed March 1803, and re-enacted with amendments February 1807, an act, to incorporate a Volunteer Company under the name and style of the Monroe Rifle company, an act, concerning the duties of clerk of the county court and other officers, an act, to alter the time of holding company courts martial, an act, for the relief of Joseph Owens, an act, to provide for the preservation of the public arms, an act, for the relief of John Wood, an act, to establish a road from Mc Murray, old saw mill on the shades creek in Jefferson county to Charles Mardin's in Shelby county.

A Joint remonstrance on the subject of instructions lately given from the Treasury Department, relative to the funds receivable for public lands; and a Joint memorial to Congress on the subject of public lands. In all of which they desire your concurrence, ordered, that the Senate disagree to the amendment made by the House of Representatives to the bill entitled, an act, further to amend the charter of the Bank of the State of Ala-

bama. *Or here I* that they concur in the amendment made by the House to the bill entitled, an act, to authorize John G. Cragg to bring into this State the slaves of his wards *Amie D. Hays* and *James Houze*. *Ordered*, that the Senate concur in the amendments made by the House of Rep's. to the bill entitled, an act, to authorize and require the Secretary of State to procure and distribute to each county in this State one set of weights and measures.

Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill entitled, an act more effectually to prevent frauds and fraudulent conveyances, and for other purposes. *Ordered* that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate disagree to the amendment made by the House of Representatives to the bill entitled, an act concerning the owners and keepers of mills and other water works by adding a proviso to the end of the 1st section thereof.

Ordered, that they concur in the remainder of the amendments to said bill and that the Secretary inform the House of Representatives thereof.

Ordered, that the Senate disagree to the amendment made by the House of Representatives to the bill entitled, an act to provide for reports of the decisions of the supreme court by striking from the 11th line of the 1st section "*twelve months*" and inserting "*two years*" and by adding to the bill an additional section securing to the reporter the copy right of the Book. *Ordered*, that they concur in all the other amendments to the bill and that the Secretary acquaint the House of Representatives therewith.

Bills (from the House of Representatives) entitled, an act, to incorporate a Volunteer Company under the name and style of *Monroe Rifle* company an act, to repeal in part an act, passed March 1803, and re-enacted with amendments Feb 1807, an act, concerning the duties of the clerks of the county courts and other officers, an act, to alter the times of holding company courts martial, and, an act, for the relief of Joseph Owens were severally read the first time and ordered to a second reading tomorrow.

A bill to be entitled, an act, to provide for the preservation of the public arms was read, and the rule requiring bills to be read on three several days being suspended, the bill was read the second time forthwith and referred to the military committee.

A bill to be entitled, an act, for the relief of John Wood, was read the first time.

Mr. Jackson, moved that the bill lie on the table till the first day of June next; which was lost. The rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith and referred to the committee on Schools and colleges and School and college lands to consider and report thereon.

Mr. Hubbard, offered the following resolution, *Resolved*, that the standing and special committees of this House report all bills submitted to them to the Senate on or before 3 o'clock in the afternoon of tomorrow, and that all bills &c. referred to any of said committee's be hereafter reported to this House on the day next after such reference; which was adopted.

Mr. Miller, offered the following resolution *Resolved*, with the concurrence of the House of Representatives the two Houses will Assemble in the Representative Hall to elect two Trustees for the University from 1st, 2nd, 3rd 4th 5th 6th and 7th judicial circuits, and also a judge and

solicitor for the 7th. judicial circuit tomorrow at 6 o'clock P. M. which was adopted.

Mr. Evans, obtained leave to introduce a bill to be entitled, an act, exempting the Judges from alternating at the ensuing terms of their courts, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith, and referred to the committee on the judiciary to consider and report thereon, and then the Senate adjourned till 3 o'clock this evening.

EVENING SESSION.

Mr. Powell, called up the bill to be entitled, an act, to incorporate the town of Tuscaloosa, and to repeal an act, incorporating said town, passed 15th December 1819; *Ordered*, that the Senate concur in the amendments made by the House to the bill, *ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr. Jackson called up the bill to be entitled, an act, to change the times of holding the county courts of Jefferson Henry and De Kalb counties.

Mr. Hubbard's amendment being withdrawn the bill was passed, *ordered* that the title be as inforesaid, and that it be sent to the House of Representatives for concurrence.

Mr. Powell, from the Joint committee on enrolled bills reported as correctly enrolled, an act, to form a seventh judicial circuit, and, an act, to authorize John P. Neale agent of Wm. A. Powell, to emancipate John Robinson a man of color, both of which were accordingly signed by Mr. President. Mr. Casey moved to reconsider the vote of the Senate ordering Mr. Hitchcock's letter of to day, addressed to the President upon the subject of the recent assignment by the Tombeckbe Bank of a part of its debts to the government, to be spread upon the Journals, which was carried Yeas 11 Nays 6.

The yeas and nays being desired those who voted in the affirmative are Messrs. Ash Casey Crabb Hubbard Jones m'Camy Merry ether Miller Moore Skinner and Sullivan.

Those who voted in the negative are Mr. President. Barton, Brown, Earle Jackson and Powell.

On motion of Mr. Casey, *Ordered*, that the letter lie on the table.

Mr. Sullivan from the special committee to which was referred a bill to be entitled, an act, changing the time of holding the county courts of Greene and Perry counties, reported the same as amended, which was concurred in. The bill was then read the third time as amended and passed, *ordered* that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act to establish a road from Mr. Murray's old saw mill on the shades creek in Jefferson county to Charles Maudiers in Shelby county.

A Joint memorial on the subject of public lands, and, an act giving additional powers to the commissioners for superintending the erection of the state Capitol, and for compensating the superintendent, were severally read the first time and ordered to a second reading tomorrow.

A joint remonstrance on the subject of instructions lately given from the Treasury Department relative to the funds receivable for public lands, was read the first and second time and referred to a special committee consisting of Messrs. Barton, Crabb and Jackson.

A bill to be entitled, an act to repeal in part a certain act therein as amended was read the first and second time and laid on the table.

A bill to be entitled, an act to provide for keeping in repair a certain road therein mentioned, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed.

A bill to be entitled, an act to amend the several acts heretofore passed in relation to the public revenue was read the second time and ordered to be engrossed for a third reading tomorrow, and then the Senate adjourned till tomorrow morning at 10 o'clock.

WEDNESDAY 9th JANUARY 1828.

The Senate met pursuant to adjournment.

Mr. Barton from the committee on the judiciary to which was referred a bill to be entitled, an act to provide for the more speedy collection of debts due the Bank of the State of Alabama in certain cases, reported the same without amendment.

The bill was then read the third time and passed, ordered, that the title, of the bill be as aforesaid and that it be sent to the House of Rep's. for their concurrence.

Mr. Barton, from the same committee to which was referred a bill to be entitled, an act to authorize Sheriffs to take bonds in certain criminal cases, reported, that it would be inexpedient, in the opinion of the committee to pass the bill, which was concurred in.

Mr. Barton, from the same committee to which was referred a bill to be entitled, an act to establish the damages to be paid on writs of error reported that it is inexpedient to pass the bill, ordered, that the bill and report lie on the table.

Mr. Barton, from the same committee to which was referred the communication from the Governor of the 2d inst. upon the subject of the instructions which have been given from the Treasury Department of the United States to the Lands officers in this state, asked to be discharged from the farther consideration thereof, which was agreed to.

Mr. Jackson, from the committee on the State Bank to which was referred a resolution instructing them to enquire into the propriety of establishing an office of discount and deposit at some point in the Tennessee Valley, asked to be discharged from the further consideration thereof, which was agreed to.

Mr. Jackson, from the same committee to which was referred a bill to be entitled, an act to amend the act to establish the Bank of the State of Alabama, reported that it is inexpedient to pass the bill.

Mr. Hubbard, moved that the bill and report lie on the table.—Mr. Jackson, moved to amend the motion by adding the words "till the first day of June next," which was carried—Yeas 12. Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Ash, Barton, Brown, Casey, Crabb, Jackson, Jones, McCallister, Moore, Powell and Sullivan.

Those who voted in the negative are: messrs; Evans, Hubbard, McCamy, Adler, Shackelford and Skinner.

Mr. Jackson, from the same committee to which was referred a bill to be entitled, an act to repeal an act, therein mentioned, reported the same without amendment. The bill was then read the third time and on the question being put "shall the bill pass," it was determined in the negative—Yeas 8. Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Casey, Crabb, Evans, Jones, McCamy, Shackelford, Skinner, and

Sullivan.

Those who voted in the negative are, Mr. President, Ash, Barton, Brown, Hubbard Jackson, Merriwether, Miller, Moore and Powell.

Mr. Powell, from the joint committee on enrolled bills reported as correctly enrolled, an act to authorize and require the Secretary of State to procure and distribute to each county in this State one sett of weights & measures, an act to authorize John G. Creagh to bring into this State the slaves of his wards Anne D. Houze and Jane Houze, and for other purposes, and, an act to amend an act entitled an act, to provide for the printing of the Laws and Journals, and for other purposes, passed Dec. 25th 1822, all of which were accordingly signed by Mr. President.

Mr. Casey, from the select committee to which was referred a bill to be entitled, an act, regulating the fees of sheriffs, Clerks, Attorneys and other officers therein named, reported the same as amended by striking out all after the enrolling clause and substituting another bill in lieu thereof, which was considered in, ordered, that the bill as amended be engrossed and made the order of the day for a third reading tomorrow.

Mr. Jackson, from the special committee to which was referred so much of the Governor's message as relates to the failure of the Tombekke Bank to pay specie for its notes, asked to be discharged from the further consideration thereof, which was agreed to.

Mr. Casey moved that so much of the Governor's message as relates to the failure of the Tombekke Bank to pay specie for its notes be re-committed to a special committee; which was carried—Whereupon Messrs. Casey, Evans and Merriwether, were appointed the committee.

Mr. Jackson from the special committee to whom was referred a bill to be entitled, an act to amend the third section of an act passed the last session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this State and Georgia, and also a communication from his Excellency the Governor upon the subject with instructions to report to the Senate all the facts relative to the services rendered by the individual for whom the said bill provides compensation, and the authority under which he acted, and to report such amendments to said bill, if any, as they may think necessary, reported, that by a Joint Resolution passed the 7th day of January 1826, the Governor was authorized and required to appoint two fit persons as commissioners to co operate with such commissioners, as might be appointed on the part of the State of Georgia, to ascertain the boundary line between the two States according to the terms of the compact between the United States and Georgia. That in execution of the said resolution, the Governor on the 6th day of March 1826 appointed Arthur P. Bagby and Charles Lewis commissioners on the part of this State, who engaged to meet the Georgia Commissioners at Fort Mitchell on the first Monday of July in the same year. That one of the commissioners Mr. Bagby was prevented by ill health from attending the meeting until the 19th day of July, when he joined his colleague and entered upon the duties of his appointment.—That in consequence of the protracted and unexplained absence of Mr. Bagby arising from the aforementioned cause, the attending commissioner Mr. Lewis became quite uneasy and considerably embarrassed as will appear by his numerous letters to the Executive on the subject.—That the Governor uninformed of the cause of Mr. Bagby's absence, and feeling great solicitude (as would appear by his Excellency's communication) that the interest of the state might not suffer

by the failure of an important negotiation thought that the best and most consistent course would be the appointment of a competent person who should associate with Mr. Lewis as a commissioner, in the event of Mr. Bagby's failure to attend, or to act as agent or Counsel with the commissioners as the exigencies of the service should require.—In this view of the subject and impelled by the force of the circumstances, the Executive appears to have appointed Mr. Kelly.—In compliance with the call of the Executive, Mr. Kelly proceeded from Tuskarossa to the Creek Nation, where he met the attending commissioner Mr. Lewis, and the Georgia commissioners and was informed that Mr. Bagby had joined his colleague before the departure of the Joint Commissioners from Fort Mitchell for Nickajack—on being advised that Mr. Bagby had joined the commissioners and would meet them at Nickajack.—Mr. Kelly returned to Huntsville, and on the 10th day of August reported to the Governor, and was again appointed by His Excellency to co-operate with the state commissioners.—But the Georgia commissioners adverted to the Joint Resolution of the General Assembly of this State, authorising the appointment of two commissioners, and to the letter of appointment presented by the two attending commissioners Messrs. Bagby & Lewis, declined recognizing Mr. Kelly in the character of a joint commissioner in consequence of which he soon after left Nickajack and returned to Huntsville.—Having thus gone into a detail of the principal facts and circumstances connected with the appointment of Mr. Kelly and the services rendered by him as an agent or counsellor to the commission under the call of the Executive the committee proceed to the remaining point of the enquiry submitted to them, to wit: the 'authority' under which Mr. Kelly was appointed and acted.—Of the 'reasons' which led to, and the 'necessity' which dictated the appointment of Mr. Kelly, the Executive appears to have been fully satisfied and your committee are not prepared to say that a provisional appointment under all the circumstances was not demanded by the public interest. But the committee looking to the law creating the appointment of commissioners and regarding the Constitutional limitations to the Executive power over appointments and vacancies feel constrained to say that Mr. Kelly cannot legally be regarded as a commissioner.—Whether it was competent for the Governor under the *Joint Resolution* to make a contingent appointment of commissioner is an abstract question which in the opinion of the committee, it is unnecessary for the Senate to determine. It would be a work of supererogation, no vacancy having in fact occurred, but only a short delay arising from an accidental cause which could not be controlled. The committee deem it unnecessary to speculate on the extent to which the Executive power may be Constitutionally stretched in appointments to office. They content themselves with reporting as the opinion of the committee that the circumstances of the case warranted the provisional appointment of some competent person who in the language of the Governor should act as agent or counsel in the business.—In this capacity Mr. Kelly appears to have acted and in this capacity your committee think he should be compensated for the time he was actually in service, at the same rate the commissioners have been paid. By reference to the statement of Mr. Kelly which the committee are willing to receive as true, it is seen that he appears to have been engaged in this employment from the 1st of August until the 10th day of August, and his report to the Governor upon the completion of the service shows that the time of his employment was a week and a half, and that he was actually in service for the whole of that time.

of which Mr. Lewis one of the commissioners received the sum of three hundred and twenty-eight dollars leaving a balance in his hands of two hundred and ninety seven dollars, which amount the committee are informed by His Excellency's communication has been settled at the Treasury by the personal check of the Executive."

Ordered, that the bill and report lie on the table.

A message from the House of Representatives by Mr. Tunstall.

Mr. President, the House of Representatives has adopted the following Resolution in which they ask your concurrence.

Resolved, That the Senate be invited to assemble in the Representative Hall at seven o'clock this evening for the purpose of electing a Judge and Solicitor of the 7th Judicial Circuit.

Mr. Casey moved to amend the resolution by adding at the end thereof the words "and also Trustees from each Judicial Circuit" which was carried. The resolution as amended was then agreed to.

Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Hubbard from the special committee to which was referred so much of the Governor's message as relates to the protecting duties which occupied the last, and are expected to occupy the present session of Congress asked to be discharged from the farther consideration thereof.

Mr. Hubbard from the special committee to which was referred a bill to be entitled, an act to establish an office of Discount & Deposits of the Bank of the State of Alabama in the northern part of this State, reported the same with sundry amendments, all of which were agreed to, except one.

Mr. Mc'Cauley moved further to amend the bill by striking out that part which requires the office of discount and deposits to be located in some Town within seven miles of the Tennessee River which was carried. Yeas 12. Nays 6.

The yeas and nays being desired those who voted in the affirmative are Messrs. Ash Barton Casey Evans Hubbard, Jones, Mc'Cauley, Merriwether, Miller, Moore, Powell and Sullivan.

Those who voted in the negative are Mr. President, Brown, Crabb, Jackson, Shackleford and Skinner. Ordered, that the bill be engrossed, and made the order of the day for a third reading tomorrow.

A message from the House of Representatives by Mr. Tunstall their Clerk.

Mr. President.—The House of Representatives have passed bills which originated in the Senate entitled, an act for the relief of Wyatt Cheatham, an act, to authorize the court of revenue and roads of the county of Wilcox to alter State bonds, and have amended the same as herewith shewn. In which they desire your concurrence.

They concurred in the amendments made by the Senate to the bill entitled, an act, to authorize Jesse Lott to continue a toll bridge erected over Dog River in the county of Mobile, and the joint resolution declaring the expiration of the office of the present Trustees of the University of the State of Alabama. They have passed a bill which originated in their House entitled, an act for the relief of Robert H. Ross. In which they desire your concurrence.

Mr. Crabb from the Military Committee to which was referred a bill to be entitled, an act to provide for the preservation of the public arms, reported the same as amended, ordered, that the bill and amendments lie on the table.

Mr. Crabb, from the same committee to which was referred the communication from the Governor transmitting the account of the Quarter master General asked to be discharged from the further consideration thereof which was agreed to.

Ordered, that the bill entitled, an act to authorize the court of revenue and roads of Wilcox county to alter state roads in certain cases, together with the amendment made thereto by the House lie on the table.

Mr. Hubbard, from the special committee to which was referred a joint resolution authorizing the Governor to procure a correct map of this State asked to be discharged from the further consideration thereof, which was agreed to, *Ordered*, that the resolution lie on the table.

Bills entitled, an act, to repeal an act, to provide for the payment of petit jurors in certain counties therein named, and for other purposes, passed 20th December 1824, so far as the same applies to the county of Antauga and for other purposes.

An act to authorize Wyatt Harper administrator of William Bates deceased to sell and convey real estate, and, an act, for the benefit of the Estate of Daniel Davis deceased, late of Monroe county, were severally read the third time and passed, ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act for the relief of Robert H. Rose, was read and ordered to a second reading tomorrow.

A bill to be entitled, an act to declare void a certain rule of the Supreme Court, was read the third time and rejected. Yeas 4. Nays 14.

The yeas, and nays, being desired on the passage of the bill those who voted in the affirmative are, Messrs. Crabb, Evans, Jones and Sullivan.

Those who voted in the negative are Mr. President, Ashe, Barton, Brown, Casey, Hubbard, Jackson, Mc'Camy, Merriwether, Miller, More, Powell, Shackelford and Skinner.

A bill to be entitled, an act to require the Judges of the county courts to renew their bonds; was read the third time and rejected.

A bill to be entitled, an act amendatory of the common law as herein after provided, was read the second time and referred to the committee on the Judiciary to consider and report thereon.

A bill to be entitled, an act to amend the act incorporating the Town of Athens; and, an act to provide for the establishment of the permanent seat of justice in the county of Walker, were severally read the second time. The rule requiring bills to be read on three several days being dispensed with, the bills were severally read the third time and passed, ordered, that they be returned to the House of Representatives.

Joint resolution authorizing the Governor to order the Quarter Master General to deliver a Field Piece to the Artillery company of Claiborne, was read the second time and referred to the Military committee.

A bill to be entitled, an act to change the place of holding the Medical Board for the District of Cahawba was read the second time, and referred to a special committee consisting of messrs. Casey, Shackelford, and Merriwether.

A bill to be entitled, an act to establish the dividing line between the counties of Bibb and Tuscaloosa according to the existing laws, was read the second time, and ordered to a third reading tomorrow.

A message from the Governor by Mr. Thornton. Mr. President:—The Governor did on this day approve and sign, an act to form a seventh Judicial circuit, and, an act to authorize John P. Neale agent of Wm. A.

Powell to emancipate John Robinson a man of color, both of which originated in the Senate.

A message from the House of Representatives by M. McCrelean.

M. President. The House of Representatives have passed bills &c. which originated in the House entitled, an act, to repeal in part and amend an act entitled, an act to establish a certain road therein designated.

A joint resolution to authorize the erection of the State Capitol in Broad Street; and,—A joint remonstrance to the Congress of the United States against the power assumed to protect certain branches of domestic industry, at the expense of others and the policy of the measure. In all of which they desire your concurrence.

A bill from the House of Representatives entitled, an act to repeal in part and amend an act entitled, an act to establish a certain road therein designated, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed, ordered, that the Secretary acquaint the House of Representatives therewith.

Joint resolution to authorize the erection of the State Capitol in Broad Street; and, a joint remonstrance to the Congress of the United States against the power assumed to protect certain branches of domestic industry, at the expense of others and the policy of the measure, were severally read, and ordered to a second reading tomorrow.

A message from the House of Representatives by Mr. Tunstall their Clerk.

Mr. President: The House of Representatives disagree to the amendment made by the Senate to the joint resolution proposing to go into the election of a Judge and Solicitor of the 7th Judicial circuit by adding the words "and also Trustees for each Judicial circuit," ordered, that the Senate recede from their amendment to the resolution, ordered that the Secretary acquaint the House of Representatives therewith.

On motion of Mr. Brown, ordered, that the committee on accounts and claims be relieved from the operation of a resolution requiring the committees to make reports by 3 o'clock to day—and then the Senate adjourned till 3 o'clock this evening.

3 o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Casey, from the special committee to which was referred, joint resolutions instructing His Excellency the Governor to cause the remains of the late Israel Pickens to be removed from the Island of Cuba to his late residence in Greene county, reported the same as amended, ordered, that the resolutions and amendments lie on the table till tomorrow.

A message from the House of Representatives by Mr. Tunstall their Clerk.

Mr. President. The House of Representatives adhere to their amendments to the bill entitled, an act, to organize and establish a circuit court in Dale county and to arrange the counties of the first, second, and sixth judicial circuits, ordered, that the Senate insist on their disagreement to the amendment made by the House of Representatives to the above bill, and that a committee be appointed on the part of the Senate to confer with such committee as may be appointed by the House of Representatives on the subject of said disagreement, whereupon Messrs. Casey, Evans, and Barton, were appointed the committee ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act, to place a certain road therein named, under the controul of the commissioners court of revenue and roads of Shelby county, was read the second time and the rule requiring bills to be read on three several days being dispensed with the bill was read the 3rd time forthwith and passed, ordered, that the Secretary acquaint the house of Representatives therewith.

Mr. Powell from the special committee to which was referred a bill to be entitled, an act, granting to the Heirs, Representatives, and associates of John Byler deceased, the privilege of erecting a gate on the road known by the name of Byler's Turnpike road, reported that the provision of granting to Byler's Heirs the privilege of erecting a toll gate on said road, at any convenient place in the 18th Township is viewed by your committee as peculiarly objectionable and notwithstanding the exceptions contained in the bill, it is believed that it will have an oppressive influence upon a respectable portion of the inhabitants of Tuscaloosa county, and the inhabitants of Fayette and Marion counties, without any equivalent to the public for the privilege granted. I am therefore instructed to report the bill back to the Senate without amendment, and recommend the inexpediency of the passage of the same," which was concurred in.

Mr. Hubbard laid before the Senate a letter from Wm. Nichols the State Architect, which was referred to the committee on the State capitol.

A message from the House of Representatives by Mr. McClellan.

Mr. President, the House of Representatives have passed bills which originated in their House entitled, an act to authorise the Judge of the county court and commissioners of Roads and Revenue of Shelby County to levy an extra tax; and, an act prescribing the mode of ascertaining the sense of the citizens of this State on the proposed amendment to the constitution of this State limiting the tenure of the Judges to seven years. In which they desire your concurrence. The bills mentioned in the foregoing message were severally read the first time and ordered to a second reading tomorrow.

A bill to be entitled, an act to divorce James Pharr from Mary Pharr, was read the third time and passed by the requisite majority.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act to repeal in part and amend an act respecting slaves passed March 1805; An act to authorise the commissioners of Revenue and Roads of Mobile County to levy a special tax, and for other purposes; An act relative to the estate of Isaac Edwards late of Conecuh County deceased; An act providing for the election of a Sheriff in Blount County, and for other purposes; An act to establish a road from McMurray's old Saw Mill on Shades creek in Jefferson County, to Charles Muddin's in Shelby County, were severally read the second time.—The rule requiring bills to be read on three several days being dispensed with, the bills were severally read the third time and passed.

Ordered, that they be returned to the House of Representatives.

A bill to be entitled, an act authorising a Lottery for the purpose of establishing a free school on the Lancasterian plan of tuition in the Town of Huntsville; and the purchasing a clock for the use of said Town, was taken up.

Mr. Crabb offered an amendment to the bill incorporating the Trustees of the Poplar spring Academy in Morgan County; which was adopted.

The bill was then read the third time and passed. Ordered, that the words "and incorporate the Trustees of Poplar spring Academy in Morgan County" be added to the title. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Jones called up the bill to be entitled, an act to repeal in part a certain act therein named. The bill was then read the third time & passed.

Bills entitled, an act to emancipate certain slaves therein named; An act for the relief of Joseph Owens; An act to repeal in part an act passed March 1803, and reenacted with amendments Feb. 1807; and an act to incorporate a Volunteer company under the name and style of the Monroe Rifle company, were severally read the second time and ordered to a third reading tomorrow.

A bill to be entitled, an act concerning the duties of Clerks of the county courts and other officers, was read the second time and referred to the committee on the judiciary to consider and report thereon.

An engrossed bill to be entitled, an act amendatory to the several acts heretofore passed in relation to the public revenue, was read the third time and passed.

Ordered, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for concurrence.

A bill to be entitled, an act giving additional powers to the commissioners for superintending the execution of the state capital, and for compensating the superintendent, was read the second time and referred to the committee on the state capital to consider and report thereon.

A bill to be entitled, an act to alter the times of holding company courts martial was read the second time.

Mr. Powell offered an amendment to the bill providing that there shall not be more than two company musters in one year; which was adopted.

Ordered, that the bill be read the third time tomorrow.

Joint memorial to Congress on the subject of public lands was read the second time and referred to the committee on the Judiciary to consider and report thereon.

Mr. Crabb called up the bill to be entitled, an act to authorize the sale of sixteenth sections.

Mr. Crabb's amendment to the substitute proposed by the committee on schools and colleges &c. was adopted. — The substitute proposed by the committee was further amended, and the bill laid on the table till tomorrow.

Mr. Casey from the committee of conference appointed by both Houses of the Legislature on the disagreement between the two Houses as to the amendments made by the House of Representatives to the bill to be entitled, an act to organize and establish a circuit court in Dale County and to arrange the counties in the first, second and sixth Judicial circuits reported the following amendment to the amendment; made by the House of Representatives strike out all after the words "to wit" in the 51st line; to the word "and the county in the sixth circuit," in the 50th line and insert the accompanying amendment; which was concurred in.

Ordered, that the Secretary acquaint the House of Rep's therewith.

Mr. Barton offered the following resolution, Resolved, that with the concurrence of the House of Representatives the two Houses will assemble this evening at 7 o'clock to elect two Trustees for each Judicial circuit commencing at the first and ending at the seventh, which was adopted, ordered, that the Secretary acquaint the House of Representatives therewith, and the Senate adjourned till 7 o'clock this evening.

SEVEN O'CLOCK P. M.

The Senate met, agreeable to adjournment.

A message from the House of Representatives by Mr. Tunstall, their Clerk.

Mr. President. The House of Representatives concur in the resolution of the Senate to go into the election of Trustees of the University from each Judicial circuit commencing at the first and ending with the 7th.

They concur in the report of the committee of conference appointed on the disagreement between the two Houses in relation to the amendment made by the House to the bill entitled, an act to organize and establish a circuit court in Dale County and, to arrange the counties of the first, second and sixth Judicial circuits.

They have adopted the following resolution, *Resolved*, that the Senate be informed that the House is now ready to receive them to proceed to the election of a Judge and Solicitor of the seventh Judicial circuit and Trustees of the University from the different circuits, whereupon the members of the Senate repaired to the Hall of the House of Representatives and having taken the seats assigned them.

Mr. President arose, and announced the object of the meeting—when the two Houses proceeded to the election of a Judge of the seventh Judicial circuit in this State *Sam L. Perry, Argyle Campbell and Harry L. Thornton* being in nomination, The votes stood thus.

For Mr. Perry, 27.—Mr. Campbell, 24.—Mr. Thornton, 28.

Those who voted for Mr. Perry are, messrs. *Ashe, Brown Evans Irwin Jones Shackelford Sullivan*. Rep's. messrs. *Braford, Brown, Bonnell, Charles Collier Conner Craig, Dennis Duke Ellis Forrest, Harris, Jack, Martin Massey Sharp Tarver Vaughan Walther and Weisinger*.

Those who voted for Mr. Campbell are, messrs. *Cassey Hubbard McCaney Moore Skinner*. Rep's. *Anderson Broadnax Bridges Coopwood Davis Greening Higgins Kelly McVay of Loud. McRae of Frank. Moore of Jack. Price Russell, Sergeant Smith of C. Terry Walker Ward Wiggins*.

Those who voted for Mr. Thornton are, Messrs. President, Barton, Cobb Earle Jackson Merriweather Miller Powell. Rep's. Mr. Sjeuker, Jackson Bell, C. John Cook Daniel Durrett Edmondson Lawler Lewis Moore of mad. Perkins Quincy rather Richardson Ross Robertson Smith of mad. Stone and Young neither of the persons in nomination having received a majority of the whole number the two houses proceeded to vote a second time for Judge of the 7th circuit the same persons in nomination.

The votes stood thus: For Mr. Perry 27. Mr. Campbell 24. Mr. Thornton 28 —Those who voted for Mr. Perry are the same that voted for him the first time.

Those who voted for Mr. Campbell are the same that voted for him the first time.

Those who voted for Mr. Thornton are the same that voted for him the first time, neither of the persons in nomination having received a majority of votes the two houses proceeded to vote a third time for Judge of the seventh circuit.

The vote stood thus:—For Mr. Perry 25.—Mr. Campbell 24.—Mr. Thornton 30.—Those who voted for Mr. Perry are, messrs. *Ashe Brown Evans Irwin Shackelford Sullivan*. Rep's. —messrs. *Braford Bonnell Collier Conner Craig Dennis Duke Ellis Forrest Harris Jack Martin Massey Sharp Tarver Vaughan Walther and Weisinger*.

Those who voted for Mr. Campbell are, messrs. *Cassey Hubbard McCaney Moore Skinner*.—Rep's. *Anderson, Broadnax, Bridges, Coopwood*

Davis Greening Higgins Kelly McVay of Loud. McKue of Frank Moore of Jack. Price Russell Sargent Smith of C. Terry Walker Ward and Wiggins.

Those who voted for Mr. Thornton are.—Mr. President, Barton Crabb Earle Jackson Jones Merriwether Miller, Powell.—Rep's.—Mr. Speaker, Acklen Bell Brown Colgin Cook Daniel Durrett Edmondson Lawler Lewis Moore of mad. Perkins Rainey Rather Richardson Ross Robertson Smith of mad. Stone and Vining, neither of the persons in nomination having received a majority of the whole number of votes the two Houses proceeded to vote the 4th time for a Judge of the seventh circuit—the name of Mr. Campbell being withdrawn.

For Mr. Perry, 43.—Mr. Thornton 35.

Those who voted for Mr. Perry are, messrs. Ashe Brown Evans Hubbard Irwin Jones Moore Shackleford Skinner S. Urvan.—Rep's. messrs. Anderson Bradford Broadnax Bonnell Clark Conner Conner Craig Dennis Duke Ellis Forrest Greening Harris Higgins Jack Kelly Martin McVay of Loud. Mussey McKue of Frank Moore of Jack. Price Sargent Sharp Tarver Terry Vaughan Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Mr. Thornton are, Mr. President, Barton Crabb, Earle Jackson Mc'Casey Merriwether Miller, Powell. Rep's, Mr. Speaker Acklen Bell Brown Bridges Colgin Cook Coopwood Daniel Davis Durrett Edmondson Lawler Lewis Moore of mad. Perkins Rainey Rather Richardson Ross Robertson Russell Smith of C. Smith of mad. Stone and Vining.

Sion L. Perry having received a majority of the whole number of votes was declared by Mr. Speaker to be duly elected Judge of the seventh Judicial Circuit in this State.

The two Houses then proceeded to elect a Solicitor for the seventh Judicial circuit Ambrose Rose, David G. Ligon and James Davis being in nomination.

The votes stood thus:—For Mr. Davis, 44.—Mr. Ligon 19.—Mr. Rose 17.

Those who voted for Mr. Davis are, Ashe Casey Crabb Evans Hubbard Irwin Jones Mc'Casey Shackleford Skinner. Rep's.—Mr. Speaker, Acklen Bell Bradford Brown Broadnax Bridges Coopwood Davis. Dennis, Durrett, Duke Edmondson Greening Higgins Lawler Martin McVay of Loud. Mussey McKue of Frank. Moore of Jack. Price Robertson Russell Sargent Sharp Smith of mad. Terry Vaughan Vining Walker Ward Weisinger & Wiggins.

Those who voted for Mr. Ligon are, Mr. President, Barton Earle Jackson Powell.—Rep's. Anderson Bonnell Colgin Collier Daniel Harris Lewis Perkins. Rainey. Rather. Ross. Tarver, and Walthal.

Those who voted for Mr. Rose are, messrs. Brown, Merriwether, Miller, Moore Sullivan. Rep's. Clark Conner Cook Craig Ellis Forrest Jack Kelly Moore of mad. Richardson Smith of Clark and Stone.

James Davis having received a majority of the whole number of votes was declared by Mr. Speaker, to be duly elected Solicitor of the seventh Judicial circuit in this State.

The two Houses then proceeded to the election of two Trustees of the University from the first judicial circuit.

Samuel W. Oliver, John Elliott, H. H. B. Hays, and D. R. W. Mc'Rae, being in nomination. The votes stood thus:—For Mr. Oliver 74.—Mr. Elliott 42.—Mr. Hays 36.—Mr. Mc'Rae, 12.

Those who voted for Mr. Oliver are, Mr. President, Ashe, Barton, Brown Casey Crabb Earle Evans Hubbard Irwin Jackson Jones Mc'Casey Merriwether Miller Moore Powell Skinner.—Rep's. messrs. Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell, Colgin, Collier Conner Cook Craig Daniel Davis Dennis Durrett Duke Ellis Edmondson Forrest Greening Harris Higgins Jack Kelly Lawler Lewis

Martin McVay of Laud. Massey McRae of F. Moore of Jack. Moore of mad. Perkins Price Rainey Rather Richardson Ross, Robertson Russell, Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Mr. Elliott are, Mr. President, Ashe, Barton, Brown Earle Irwin Jackson Jones Merriwether Miller Moore, Skinner Sullivan *Rep's*. Acklen, Anderson Bell, Bradford Brown, Clark Colgin Collier Cook Coopwood Craig Dennis Durrett Edmondson Harris Jack Kelly Lawler McVay of Laud. Perkins Price Rainey Rather Richardson Ross Rober son Sharp, Stone and Terry.

Those who voted for Mr. Hayes are, messrs. Casey, Evans, Hubbard, Mc'Cauey Powell and Sullivan, *Rep's*. Broadnax, Clark, Conner Coopwood Daniel Duke Ellis Forrest Higgins. Massey, Moore, of J. Russell, Sargent Smith of mad. Vaughan Vining Walthal, Ward, Weisinger, and Wiggins.

Those who voted for Mr. Mc'Rae are, Mr. Crabb, *Rep's*. Bridges, Bonnell, Davis, Greening, Lewis, Martin, McRae, of F. Moore, of mad. Smith of C. Tarver and Walker.

Samuel W. Oliver and John Elliott having received a majority of the whole number of votes were declared by Mr. Greening acting as Speaker to be duly elected Trustees from the first Judicial Circuit of this State.

The two houses then proceeded to elect two Trustees of the University from the second Judicial Circuit.

Dr. George Philips, Dr. Thomas Casey and Boling Hall Esq. being in nomination.

The votes stood thus, For Dr. Philips 61.—Mr Hall 48.—Dr. Casey 46.

Those who voted for Dr. Philips are, Mr. President,—Ashe, Barton, Brown Crabb Earle Hubbard, Jackson, Jones, Mc'Cauey, Merriwether, Miller Moore Powell Skinner Sullivan—*Rep's*. Acklen, Anderson, Bell, Bradford Brown Broadnax Bonnell Clarke Colgin Collier Cook Craig Davis Dennis Durrett Duke Ellis Edmondson Forrest Harris Jack Kelly Lawler Lewis Martin McVay of Laud. Massey Modre of mad. Perkins Price Rainey rather Richardson Ross Robertson Sargent, Sharp Stone, Tarver Terry Vining Walker Walthal Weisinger and Wiggins.

Those who voted for Mr. Hall are, Mr. President, Barton Earle Evans Irwin Jackson. *Rep's*. Mr. Speaker Bell Broadnax Bridges Bonnell Clark Colgin Collier Conner Cook Coopwood Craig Daniel Davis Durrett Ellis Edmondson Forrest Greening Harris Higgins Jack Lawler Lewis Martin M'Rae of Frank. Moore of J. Perkins Rainey Rather Ross Robertson Russell Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughan Walthal and Ward.

Those who voted for Dr. Casey are, messrs. Ashe Brown Crabb Evans Hubbard Irwin Jones Mc'Cauey Merriwether Miller Moore Powell Skinner Sullivan. *Rep's*. Mr. Speaker Acklen Anderson Bradford Brown Bridges Conner Coopwood Daniel Dennis Duke Greening Higgins Kelly M'Vay of Laud. Massey M'Rae of F. Moore of J. Moore of mad. Price Richardson Russell Sargent Smith of C. Smith of mad. Vaughan Vining Walker Ward Weisinger and Wiggins.

Dr. George Philips and Bolling Hall having received a majority of the whole number of votes were declared to be duly elected Trustees of the University from the second Judicial Circuit of this State.

The two Houses then proceeded to elect two Trustees from the third Judicial Circuit Jack Shackelford, Hume R. Field & John F. Forrest

being in nomination. For Mr. Shackelford 71, votes.—Mr. Field 47.—Mr. Forrest 36.—Those who voted for Mr. Shackelford are, Mr. President Ashe Barton Brown Casey Crabb Earle Evans Hubbard Irwin Jackson Jones M'Camy Merriwether Miller Moore Powell Skinner Sullivan. Rep's. Mr. Speaker Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner Cook Coopwood Craig Daniel Davis Dennis Darrett Duke Edmondson Greening Harris Higgins Jack Kelly Lawler Lewis M'Vay of Land. Massey M'Rae of F. Moore of mad. Price Rainey Rather Richardson Ross Robertson Russell Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughan Vining Walker Walthal Ward and Weisinger.

Those who voted for Mr. Field are, Mr. President Barton Casey Crabb Earle Hubbard Irwin Jackson M'Camy Merriwether Miller Moore Powell Skinner Sullivan. Rep's. Mr. Speaker Acklen Brown Broadnax Clark Colgin Collier Conner Cook Daniel Ellis Harris Jack Kelly Lawler Lewis Martin Moore of J. Moore of mad. Perkins Rainey Richardson Ross Sharp Smith of C. Smith of mad. Stone Tarver Vining Walthal Weisinger and Wiggins.

Those who voted for Mr. Forrest are, Messrs. Ashe Brown Evans Jones. Rep's. Messrs. Acklen Anderson Bell Bradford Bridges Bonnell Coopwood Craig Davis Dennis Darrett Duke Ellis Edmondson Greening Higgins Martin M'Vay of Land Massey M'Rae of F. Moore of J. Perkins Price Rather Robertson Russell Sargent Terry Vaughan Walker Ward and Wiggins. Jack Shackelford and Hume R. Field having received a majority of votes were declared to be duly elected Trustees of the University from the 3d Judicial Circuit.

The two Houses then proceeded to elect two Trustees from the 4th Judicial Circuit Gen. John Coffee Nicholas Davis James Jackson and David Hubbard being in nomination. For Gen. Coffee 36 votes.—Mr. Davis 43.—Mr. Jackson 53.—Mr. Hubbard 40.

Those who voted for Mr. Coffee are, messrs. Casey Crabb M'Camy Miller Moore Sullivan. Rep's. Anderson, Bell, Brown, Bridges, Clark, Conner Coopwood Craig Dennis Darrett Duke Ellis Edmondson Forrest Greening, Higgins, Kelly, Lawler, M'Vay, of Land, Moore, of J. Moore of mad. Rather Robertson Sargent Smith of mad. Vaughan, Walker Ward Weisinger and Wiggins.

Those who voted for Mr. Davis are, messrs. Ashe, Barton, Brown, Crabb Earle Evans Jones Merriwether Powell and Shackelford. Rep's. Mr. Speaker Acklen Bell Bradford Broadnax, Bonnell, Colgin, Collier Cook Davis Edmondson Harris Jack Lawler, Lewis, Martin, Massey, Perkins Price Rainey Richardson Ross Robertson Russel Sharp, Smith, of C. Stone Tarver Terry Vining and Walthal.

Those who voted for Mr. Jackson are, messrs. Ashe, Barton, Brown, Earle Irwin Jones Merriwether Powell Shackelford. Rep's. Mr. Speaker, Broadnax Bonnell Colgin, Collier, Conner, Cook, Daniel, Darrett, Forrest Harris Jack Lewis Martin, M'Rae, of F. Perkins Rainey, Richardson Ross Sharp Stone Tarver Vining and Walthal

Those who voted for Mr. Hubbard are, messrs. Casey Evans Irwin M'Camy, Miller, Moore, Sullivan. Rep's. Acklen, Anderson, Bradford, Brown Bridges Clark Coopwood Craig Daniel Davis Dennis Duke, Ellis Greening Higgins Kelly M'Vay of Land. Massey, M'Rae, of F. Moore of J. Moore of mad. Price, Rather, Russell Sargent, Smith, of C. Smith of mad. Terry Vaughan Walker, Ward, Weisinger and Wiggins.

Nicholas Davis and David Hubbard, having received a majority of votes were declared to be duly elected Trustees of the University from the fourth Judicial circuit.

The two Houses then proceeded to elect two Trustees of the University from the fifth Judicial circuit.

Dr. Henry W. Rhodes, Dr. Thomas Fearn, Dr. David Moore and Wm. Acklen, being in nomination.

For Dr. Rhodes 42—Dr. Fearn 37—Dr. Moore 36—Mr. Acklen 31.

Those who voted for Dr. Rhodes are messrs. Ashe Brown Casey Crabb Evans Hubbard Merriweather Moore Sullivan Rep's. Mr. Speaker. Bell, Bradford Brown Bridges Bonnell Clark Conner Coopwood, Craig Daniel Davis Dennis, Durrett Ellis, Edmondson, Forrest, Greening, Harris, Lawler Lewis McVay of Laud. Massey Mc'Rae of F. Rather, Robertson, Sargent Sharp Terry Vaughan Ward Weisinger and Wiggins.

Those who voted for Dr. Fearn, are, Mr. President, Ashe, Barton, Brown Crabb Earle Irwin Jackson Merriweather Miller Powell Shackelford Sullivan, Rep's. Mr. Speaker, Anderson, Bell, Broadnax, Bonnell, Collier Conner Craig Dennis Durrett Edmondson Jack Lawler, Lewis, Martin, Moore, of mad. Perkins, Rainey, Richardson, Ross, Robertson, Smith of mad. Tarver and Vining.

Those who voted for Dr. Moore are, Mr. President, Barton Earle Evans Jones Mc'Casey Miller Moore Powell Shackelford, Rep's. Broadnax Collier Colgin Davis Harris Jack Kelly, Martin, Moore, of J. Moore, of mad. Perkins Price Rainey Richardson Ross Russell Sharp Smith of C. Smith of mad. Stone Tarver Terry Vining Walthal Weisinger Wiggins.

Those who voted for Mr. Acklen are, messrs. Casey, Hubbard, Irwin, Mc'Casey. Rep's. Anderson, Bradford, Brown, Bridges, Clark, Colgin, Cook Coopwood Daniel Ellis Forrest Greening Higgins Kelly McVay of Laud. Massey Mc'Rae of F. Moore of J. Price, Rather, Russell, Sargent, Stone Vaughan Walker Walthal and Ward.

Dr. Henry Rhodes having received a majority of the whole number of votes was declared to be duly elected a Trustee of the University from the 5th Judicial Circuit.

The two houses then proceeded to vote the second time for another Trustee from the fifth Judicial Circuit.

The vote stood thus:—Dr. Fearn 36.—Dr. Moore 20.—Mr. Acklen 19.

Those who voted for Dr. Fearn are, Mr. President, Ash Barton Brown Crabb Earle Irwin, Jackson, Merriweather, Miller, Powell, Shackelford, Sullivan—Rep's. Bell Brown, Bridges, Bonnell, Collier, Conner, Coopwood Craig Dennis Durrett Edmondson Lawler Lewis Martin McVay, of Laud. Moore of mad. Rather Richardson Ross Robertson Smith of mad. Vaughan and Vining.

Those who voted for Dr. Moore are, Messrs. Evans Hubbard Jones Mc'Casey Moore Rep's. Mr. Speaker, Broadnax Davis Harris Jack Perkins Price Rainey Russell Sharp Smith, of C. Tarver, Terry, Weisinger, and Wiggins.

Those who voted for Mr. Acklen are, Mr. Casey, Rep's. Anderson, Bradford Clark Colgin Cook Daniel Ellis Greening Higgins Kelly Massey Mc'Rae of F. Moore of J. Sargent Stone Walker Walthal and Ward.

Neither of the persons in nomination having received a majority of the whole number the two houses proceeded to vote a third time for a Trustee of the University from the fifth circuit, the name of Mr. Acklen being withdrawn.—For Dr. Fearn, 43.—Dr. Moore, 31.

Those who voted for Dr. Fearn are, *mr. President Ashe Barton Brown Crabb Earle Irwin Jackson Jones Merriwether Miller Powell Shackelford Sullivan.*—*Rep's.* Anderson Bell Bradford Bridges Bonnell Collier Conner Cook Coopwood Craig Daniel Dennis Durrett Edmondson Higgins Lawler Lewis Martin McVay of Land. Moore of mad. Rather Richardson Ross Robertson Sargent Smith of mad. Vaughan and Vining.

Those who voted for Dr. Moore are, *messrs. Casey Evans Hubbard McCaney Moore.* *rep's.* *mr. Speaker.* Broadnax Clark Colgin, Davis, Ellis, Greening Harris Jack Kelly Massey *mc'rae* of F. Moore of J. Perkins Price Rainey Russell Sharp Smith of C. Stone, Tarver, Terry, Walthal, Weed Weisinger and Wiggins.

Dr. Thomas Fearn having received a majority of votes was declared to be duly elected a Trustee from the fifth Circuit.

The two houses then proceeded to elect two Trustees of the University from the sixth Judicial circuit.—Dixon H. Lewis and Nimrod E. Benson, being in nomination.

Those who voted for *messrs. Lewis and Benson* are,—*mr. President,* Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jackson Jones McCaney Merriwether Miller Moore Powell Shackelford.—*reps* *mr. Speaker,* Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner, Cook, Coopwood, Craig, Daniel Davis Dennis Durrett Duke Ellis Edmondson, Greening, Harris, Higgins Jack Kelly Lawler Martin, McVay, of Land. Massey, McRae of F. Moore of J. Moore of mad. Perkins, Rainey, Rather, Richardson, Ross, Robertson Russell Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughan Walker Walthal Weisinger and Wiggins.

Dixon H. Lewis, and Nimrod E. Benson were therefore declared to be duly elected Trustees of the University from the sixth Judicial circuit.

The two houses then proceeded to elect two Trustees from the seventh Judicial circuit.

Thomas Wooldridge Quin Morton and Jesse Vanhooze being in nomination.

For *mr. Vanhooze*, 58—*mr. Morton*, 43—*mr. Wooldridge*, 54.

Those who voted for *mr. Vanhooze* are *mr. President Ashe Barton Brown Casey Earle Hubbard Irwin Jackson McCaney Merriwether. Miller, Moore, Powell Shackelford Sullivan.* *Rep's.* *mr. Speaker,* Acklen, Anderson, Bell, Bradford Brown Broadnax Bridges Bonnell Clark, Colgin, Collier, Conner, Cook Coopwood Craig Daniel Davis Dennis Duke Ellis Edmondson Greening Higgins Jack Kelly Lawler Lewis Martin McVay of Land. Massey Moore of J. Perkins Rainey Rather Richardson; Ross, Robertson, Russell Sargent, Sharp, Smith of C. Smith of mad. Stone Tarver Terry Vining Walker Walthal Weisinger and Wiggins.

Those who voted for *mr. Morton* are, *mr. President,* Barton Brown, Earle, Jackson, Jones, McCaney, Powell, Shackelford, *Rep's.* *mr. Speaker,* Bell, Broadnax Bonnell Colgin, Collier, Cook, Craig, Davis, Durrett, Edmondson, Harris Jack Lawler Lewis Martin McRae, of F. Perkins, Rainey, Rather, Richardson Ross Robertson Russell Sharp Stone Smith of mad. Tarver Terry Vaughan Walthal Weisinger and Wiggins.

Those who voted for *mr. Wooldridge* are, *messrs. Ashe Casey Evans Hubbard Irwin Merriwether Miller Moore Sullivan.*—*Rep's.* Acklen Anderson, Bradford Brown Bridges Clark Conner Coopwood Daniel Dennis Durrett Duke Greening Higgins Kelly McVay of Land. Massey McRae of F. Moore of J. Moore of mad. Sargent Smith of C. Vaughan Vining and Walker.

Jesse Vanhooze and Quin Morton having received a majority of the whole

number of votes were declared by Mr Speaker to be duly elected Trustees of the University from the seventh Judicial circuit.

The elections being completed, the Senate withdrew returned to their own chamber and Mr. President resumed the chair—When on motion the Senate adjourned till tomorrow morning at 11 o'clock.

Thursday, Jan. 10th, 1828.

The Senate met pursuant to adjournment.

Mr. Barton from the committee on the Judiciary to which was referred a bill to be entitled, an act exempting the Judges from alternating at the ensuing terms of the courts, reported the same without amendment.

Ordered, that the bill lie on the table.

Mr. Earle from the committee on Inland Navigation to which was referred a letter from the state Architect upon the subject of his salary, asked to be discharged from the farther consideration thereof which was agreed to.

Mr. Hubbard from the committee on the state capitol to which was referred a bill originating in the House of Representatives entitled, an act giving additional powers to the commissioners for superintending the erection of the state capitol, and for compensating the superintendent reported, that in the opinion of this committee the allowance therein made is insufficient to compensate that officer for the services he has rendered and expenses he has incurred, and that he ought to be compensated for his past services at the rate of his yearly salary. They instruct me to report the bill with an amendment making such allowance.

The amendment was concurred in and the bill read the third time as amended and passed.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

Mr. Barton from the special committee to which was referred a Joint Remonstrance on the subject of instructions lately given from the Treasury department relative to the funds receivable for public lands, reported a substitute for the Remonstrance.

Ordered, that the Remonstrance and substitute lie on the table.

Mr. Powell from the Joint committee on enrolled bills reported as correctly enrolled, an act for the relief of David McFarlane; An act to regulate the inspection of Tobacco in this state; An act to change the names of certain persons therein mentioned; An act to authorise the Judge of the county court and commissioners of Roads and Revenue of Shelby County to levy an extra tax; An act for the relief of Wyatt Cheatham; An act to amend an act entitled, an act to incorporate the Town of Elyton in the County of Jefferson passed December 20th 1820; and, an act more effectually to prevent frauds and fraudulent conveyances, and for other purposes, all of which were accordingly signed by Mr. President.

Mr. Shackelford from the committee on schools and colleges and school and college lands to which was referred a bill to be entitled, an act for the relief of John Wood, reported the same as amended, which was concurred in—The bill was then read the third time as amended and passed.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

A message from the House of Rep's. by Mr. Tunstall their clerk.

Mr. President, the House of Representatives have passed bills which originated in the Senate entitled, an act to authorise the building a Jail in Morgan County, and have amended the same by striking out the 2nd section.—In which they ask your concurrence.

They recede from their amendments to the bill entitled, an act to provide for reports of the decisions of the Supreme Court, by adding thereto an

additional section and by striking out 'twelve months,' and inserting 'two years.'—They insist on their amendments to the bill entitled, an act concerning the owners and keepers of Mills and other water works, by adding a proviso at the end of the 1st section.

They insist on their amendment to the bill entitled, an act further to amend the charter of the Bank of the State of Alabama.

They have passed bills which originated in the Senate entitled, an act to incorporate the Franklin Academy in the Town of Russellville in Franklin County; An act to authorise John Smith of Jefferson County to manumit a certain slave therein named; An act to declare Canoe Creek in St. Clair County a public Highway, An act regulating the duties of Attorneys at law, and for other purposes; An act to provide the Clerks of the several counties in this State with copies of the acts of the present and each subsequent Congress of the United States; An act to amend an act entitled, an act to Incorporate the school commissioners of the 4th Township 8th range west from Huntsville, and for other purposes; An act to preserve the health of the inhabitants residing on Sinking creek in Lauderdale County, and have amended the same by adding a proviso at the end of the 2nd section. In which they ask your concurrence: An act authorising a Lottery for the purpose of building an academy and Court House in the county of Henry; An act concerning the registration of Deeds & Patents, and have amended the same by adding thereto two additional sections.—In which amendments they desire your concurrence; and, an act for the further relief of securities.—They have passed bills &c. which originated in their House entitled, Joint memorial to the Congress of the United States asking permission for the Trustees of the University of Alabama, to select other lands in lieu of those herein mentioned: An act to provide for taking depositions in certain cases; An act for the relief of Andrew O. _____; An act to Incorporate Barkers Encampment of Knights Templar No. 1; An act to authorise the election of an additional Constable in the tract including the Town of Claiborne; An act to appoint commissioners to lay out a road therein specified; An act to emancipate certain persons therein named; and, an act providing at what place Land and Negroes taken in execution shall be sold in the county of Tuscaloosa.—In which they desire your concurrence. They concur in the amendments made by the Senate to bills entitled, an act to authorise the election of a Justice of the Peace in the Town of Columbia in Shelby County; An act changing the time of holding the county courts in Greene and Perry Counties. They have also passed bills which originated in their house entitled, an act to amend the law now in force respecting Justices of the Peace and Constables; An act declaring the effect of Notarial protests. In which they also ask your concurrence. They have adopted the following Resolution, in which they desire your concurrence.—*Resolved*, by the House of Representatives that with the consent of the Senate this House will adjourn *sine die* on Saturday next. They concur in the report of the committee of conference appointed by both Houses on the subject of the disagreement between the two Houses as to the amendment made by the House of Representatives to the bill entitled, an act to organise and establish a circuit court in Dale County and to arrange the counties of the first, second, and sixth judicial circuits. Ordered, that the Senate adhere to their disagreement to the amendment made by the House to the bill entitled, an act concerning the owners and keepers of mills and other water Works, and that a committee be appointed to confer with such committee as the House may appoint, on the subject of said disagreement; whereupon messrs. Casey

Earle and Jackson were appointed the committee on the part of the Senate.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

Ordered, that the Senate concur in the several amendments made by the House of Representatives to bills entitled, an act to authorise the building a Jail in Morgan county; An act concerning the registration of Deeds and Patents; and, an act to preserve the health of the inhabitants residing on Sinking creek in Lauderdale County. Ordered, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate insist on their disagreement to the amendment made by the House of Representatives to the bill entitled, an act further to amend the charter of the Bank of the State of Alabama, and that a committee be appointed on the part of the Senate to confer with such committee as the House may appoint, on the subject of the disagreement between the two Houses in relation to said amendment; whereupon Messrs. Casey Jackson and Barton were appointed the committee on the part of the Senate. Ordered, that the Secretary acquaint the House of Representatives therewith.

A joint memorial to the Congress of the United States asking permission for the Trustees of the University of Alabama to select other lands in lieu of those herein mentioned, was read the first and second time.

Mr. Jackson offered the following amendment to the memorial "Provided the President and Trustees aforesaid shall dispose of the land so selected to the relinquisher or occupant of said land on such terms as the Government of the United States may hereafter dispose of the relinquished lands; which was rejected.—Yeas 9, Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President Barton Crabb Earle Hubbard Irwin Jackson M'Camy and Powell.

Those who voted in the negative are, Messrs. Ashe Brown Casey Evans Jones Merriwether Miller Moore Shackelford Skinner Sullivan.

Ordered, that the memorial be referred to a special committee committee consisting of Messrs. Jackson Hubbard and Earle to consider and report thereon.

A bill to be entitled, an act to provide for taking depositions in certain cases, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled, an act for the relief of Andrew O. Horne; An act to authorise the election of an additional Constable in the beat including the Town of Claiborne; and, an act to appoint commissioners to lay out a certain road therein specified, were severally read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bills were severally read the second and third time forthwith & passed.

Ordered, that they be returned to the House of Representatives.

A bill to be entitled, an act to incorporate Barker Encampment of Knights Templar No. 1; and, an act to emancipate certain persons therein named; and an act providing at what place Lands and Negroes taken in execution shall be sold in the county of Tuscaloosa, were severally read the first time, and ordered to a second reading tomorrow.

A bill to be entitled, an act to amend the laws now in force respecting Justices of the Peace and Constables; and, an act declaring the effects of Notarial protests, were severally read the first time, the rule requiring bills to be read on three several days being dispensed with the bills were severally read the second time and referred to the committee on the judiciary.

ary to consider and report thereon.

And then the Senate adjourned 'till 3 o'clock this evening.

EVENING SESSION.

Mr. Barton, who voted in the majority moved to reconsider the vote of the Senate on the passage of the bill entitled, an act to repeal an act therein mentioned, which was carried, Yeas, 11 — Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Barton Brown Casey Crabb, Earle, Evans, Jones, m'Camy, Shackelford, Skinner, and Sullivan.

Those who voted in the negative are, Mr. President, Ashe, Hubbard, Irwin, Jackson, Merriwether, Miller Moore and Powell.

The vote ordering the bill to a third reading being also reconsidered, Mr. Barton moved to strike out the second section of the bill, which was lost. — The bill was then read the third time and on the question being put "shall the bill pass?" it was determined in the negative — Yeas 9 Nays 11.

The yeas and nays being desired, those who voted in the affirmative are messrs. Casey, Crabb, Earle, Evans, Jones, m'Camy, Shackelford, Skinner, Sullivan.

Those who voted in the negative are, Mr. President, Ashe, Barton, Brown Hubbard Irwin, Jackson, Merriwether, Miller, Moore and Powell, — so the bill was rejected.

Mr. Hubbard obtained leave to introduce a bill to be entitled, an act, concerning the attendance of jurors, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. Ordered, that the title of the bill be as aforesaid, and that it be sent to the house of representatives for their concurrence.

Mr. Casey called up the Joint Resolutions instructing His Excellency the Governor to cause the remains of the late Israel Pickens to be removed from the Island of Cuba to his late residence in Greene County.

Mr. Jackson, moved to amend the resolutions, by striking out the words "and that he (the Governor,) is hereby authorised to draw upon the Treasury, for an amount sufficient to accomplish the object of the Resolutions;" and by inserting the words, "and that \$100,000 — dollars be appropriated therefor," which was carried. The amendments proposed by the special committee to which the Resolution were referred, were then agreed to, and the Resolutions read the third time as amended. Mr. Crabb moved to fill the blank in the resolutions, created by Mr. Jackson's amendment with "one thousand dollars," if so much be necessary, which was lost: Yeas 8. Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Barton Casey Crabb Evans Hubbard Merriwether Miller and Sullivan.

Those who voted in the negative are, — Mr. President, Ashe, Brown Earle Irwin, Jackson, Jones, m'Camy, Moore, Powell, Shackelford and Skinner.

Mr. Moore moved to fill the blank with "five hundred dollars" which was carried. The question was then put "shall the resolutions pass" and determined in the affirmative Yeas 13 — Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Barton Brown Casey Earle Evans, Hubbard, Irwin, Jones, m'Camy, Merriwether Miller Moore Skinner and Sullivan.

Those who voted in the negative are, Mr. President, Ashe Crabb, Jackson, Powell and Shackelford, so the resolutions were passed. — Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Shackelford called up the bill to be entitled, an act to authorize the sale of the sixteenth sections, and for other purposes.

Mr. Jackson moved further to amend the amendment proposed by the committee on schools and colleges &c. to the bill by striking out "six per cent" the rate of interest which it is provided the State Stock, in which the proceeds of the 16th Sections is to vest, shall bear, with a view of inserting a higher rate of interest, which was lost — Yeas 6 — Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Ashe, Earle, Jackson, m'Camy and Moore.

Those who voted in the negative are, messrs. Barton Brown Casey Crabb

Evans Hubbard Irwin Jones merriweather miller Powell Shackleford Skinner and Sullivan.

The bill was then read the third time, and on the question being put 'shall the bill pass' it was determined in the affirmative Yeas 16 Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Ashe, Barton Brown Casey crabb Evans Hubbard, Irwin, Jones, meade, merriweather, miller, more, Powell, Skinner and Sullivan.

Those who voted in the negative are, mr. President, Barle, Jackson, and Shackleford, so the bill was passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. meade moved to amend the resolution from the House of Representatives proposing to adjourn *sine die* on Saturday next, by adding the words "provided they shall have completed their business" which was carried. The resolution as amended was then disagreed to—ordered that it lie on the table—and then the Senate adjourned till tomorrow morning at 9 o'clock.

FRIDAY JANUARY 11th 1828.

The Senate met pursuant to adjournment.

Mr. Barton from the committee on the judiciary to which was referred a bill entitled, an act to provide for taking depositions in certain cases, reported that it is inexpedient in the opinion of the committee to pass the bill, which was concurred in.

Mr. Barton from the same committee to whom was referred a bill entitled, an act to amend the common law as hereinafter provided, reported that it is inexpedient to pass the bill; which was concurred in.

Mr. Barton from the same committee to whom was referred a bill entitled, an act to amend the laws now in force respecting justices of the peace and constables, reported that it is inexpedient to pass the bill, which was concurred in.

Mr. Barton from the same committee to whom was referred a bill to be entitled, an act concerning the duties of clerks of the county courts, and other officers reported the same without amendment. The bill was then read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Barton from the same committee to whom was referred a bill entitled, an act declaring the effect of notarial protests reported the same without amendment. The bill was then read the third time and passed.

Mr. Barton, from the same committee to whom was referred a bill entitled, an act prescribing certain duties to the clerks of the circuit and county courts, reported that it is inexpedient to pass the bill, which was concurred in.

Mr. Barton, from the same committee to whom was referred a joint memorial to Congress on the subject of the public lands, reported the same without amendment. The memorial was then read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Jackson from the special committee to which was referred a joint memorial to the Congress of the United States, asking permission for the Trustees of the University of Alabama to select other lands in lieu of those herein mentioned, reported the same as amended; which was concurred in.

The memorial, being further amended on Mr. Casey's motion, was read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Casey from the committee of conference appointed by the Senate

to confer with the committee appointed by the House of Representatives on an amendment made by the House to the bill entitled, an act concerning the owners and keepers of mills and other water works reported that they have had a meeting and that the committee of the House have agreed to recommend to their house to recede from their amendment to said bill.

Mr. Casey from the committee appointed by the Senate to confer with a committee on the part of the house of representatives on the subject of the disagreement between the two houses in relation to the amendment made by the house to the bill entitled, an act further to amend the Charter of the Bank of the State of Alabama, reported, that they have had a meeting and that the committee of the house have agreed to recommend to their house to recede from the amendment to said bill.

A message from the House of representatives by Mr. Tunstall their C.

Mr. President. The house of representatives have passed bills which originated in the Senate entitled, an act to amend an act entitled, an act to divide the State into districts for electing representatives to Congress, an act to authorize Mahalia Farrar to emancipate a mulatto woman named Patience, an act relative to the satisfaction of executions, and have amended the same by striking out all after the enacting clause and substituting the accompanying as an amendment. In which they ask your concurrence. They have passed bills which originated in the house of representatives entitled, an act making appropriations for certain claims against the State, an act to amend the law in relation to original attachments, an act to alter the time of holding the county court of Montgomery; an act to abolish and establish certain election precincts; an act to authorize the Governor to cause bonds taken for public arms to be renewed, and for the distribution of the public arms; an act to reduce into one the several acts giving fees to Justices of the peace and constables.

Joint resolution proposing amendments to the Constitution of the United States; an act supplementary to the several acts now in force in relation to public weighers of cotton in the City of Mobile; an act relative to Volunteer companies in the Militia of this State, and for other purposes, an act for extending the time granted to John Fowler for running a steam ferry boat, row boat or sail boat, between the city of Mobile and the town of Blakely by an act passed December 26th 1825.—In all of which they desire your concurrence.

They concur in the amendments made by your Honorable body to bills entitled, an act authorizing a Lottery for the purpose of establishing a free school on the Lancasterian plan of tuition in the town of Tusculumville, and the purchasing a clock for the use of said town; and, an act for the relief of John Wood.

They disagree to the amendment made by the Senate to the bill entitled, an act giving additional powers to the commissioners for superintending the erection of the State Capitol, and for compensating the superintendent by striking out 'eight hundred dollars' the sum allowed the Architect for services heretofore performed, and by inserting 'thirteen hundred dollars.'

They have adopted the following resolution in which they desire your concurrence.—*Resolved*, that with the concurrence of the Senate the two Houses will on Friday the 11th instant (this day) at half past 6 o'clock P. M. assemble in the Representative Hall for the purpose of going into the Election of a President of the Bank of the State of Alabama and twelve Directors for the present year.

They have appointed messrs. Bridges, Martin, Edmondson, Bell, and Robinson a committee of conference on the part of the House to act with the committee appointed on the part of the Senate on the subject of the amendment made by the House to the bill entitled, an act concerning the owners and keepers, of mills and other water work.

They have appointed messrs. Weisinger, Moore, of mad. Jack, Broadnax and Walthall a committee of conference on the part of the House of Representatives to act with the committee appointed by the Senate in relation to the amendment made by the House to the bill entitled, an act further to amend the Charter of the Bank of the State of Alabama, *ordered*, that the Senate disagree to the amendment made by the House to the bill entitled, an act relative to the satisfaction of executions.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

Ordered, that the Senate insist on their amendment to the bill entitled an act giving additional powers to the commissioners for the erection of the State Capitol and for compensating the superintendant by striking out 'eight' and inserting 'thirteen hundred dollars.'

Ordered, that a committee be appointed on the part of the Senate to confer with such committee as the House may appoint on the subject of said amendment; whereupon Messrs. Hubbard Powell and Brown were appointed the committee. Ordered, that the Secretary inform the House of Representatives thereof.

A bill entitled. an act to amend the law in relation to original attachments: was read and the rule requiring bills to be read on three several days being dispensed with the bill was read the second time and referred to the committee on the judiciary.

A bill entitled, an act to alter the time of holding the county court of Montgomery County, was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

A bill to be entitled, an act to authorise the Governor to cause bonds given for the public arms to be renewed, and for the distribution of the public arms; An act relative to Volunteer Companys in the Militia of this State and for other purposes; and. Joint Resolutions proposing amendments to the Constitution of the United States were severally read the first time and ordered to a second reading tomorrow.

A bill to be entitled, an act supplementary to the several acts now in force in relation to the Public Weighers of Cotton in the City of Mobile, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time & laid on the table.

A bill to be entitled, an act to reduce into one the several acts giving fees to Justices of the Peace and Constables, was read the first time.

Mr. Moore moved that the bill lie on the table till the first of the next session, which was carried.

A bill to be entitled, an act for extending the time granted to John Fowler for running a Steam Ferry Boat, a row boat or sail boat between the City of Mobile and the Town of Blakely by an act passed December 26th 1822, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith and ordered to a third reading tomorrow.

A bill to be entitled, an act making appropriations for certain claims against the State, was read, and the rule requiring bills to be read on three

several days being dispensed with, the bill was read the second time and referred to the committee on accounts and claims to consider and report thereon.

A message from the House of Representatives by Mr. Ready.

Mr. President, the House of Representatives has passed a bill which originated in the Senate entitled, an act to provide for the speedy collection of debts due the Bank of the State of Alabama in certain cases, and have amended the same as herewith shewn, in which they desire your concurrence, ordered, that the Senate concur in the amendments made by the House to the bill mentioned in the above message—ordered that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. McClellan.

Mr. President, The Governor having returned to the House of Representatives a bill which originated in the House entitled, an act altering the punishment of forgery and counterfeiting in certain cases, with his reasons for withholding his approval therefrom the bill has been again put upon its passage and passed by the constitutional majority. The bill and veto of the Governor are herewith communicated to the Senate. The bill entitled, and act altering the punishment of forgery and counterfeiting in certain cases was then put upon its passage and rejected.—Yeas

9.—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are messrs. Barton Brown Crabb Earle Hubbard McCamey Miller, Powell, and Sullivan.

Those who voted in the negative are, Mr. President, Ashe, Casey, Evans, Irwin, Jackson, Jones, Merriwether, Moore Shackleford and Skinner, so the bill was rejected.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to define the corporate limits of the town of Spartan in Conecuh county, and for other purposes.

Joint resolution declaring the expiration of the office of the present Trustees of the University of Alabama; and, an act to organize and establish a circuit in Dale county and to arrange the counties of the first, second and sixth judicial circuits—all of which were accordingly signed by Mr. President.

Mr. Hubbard called up the bill entitled, an act to amend the 3rd section of an act passed the last session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this State and Georgia.

Mr. Hubbard moved to strike out five hundred dollars' the compensation to Judge Kelly; which was carried.

Mr. Hubbard then moved to fill the blank created by striking out the five hundred with "two hundred dollars," which was carried. Yeas 14. Nays 6.

The yeas & nays being desired, those who voted in the affirmative are Mr. President, Barton Brown Casey Evans Hubbard, Irwin, McCamey, Merriwether Miller Moore Shackleford Skinner and Sullivan.

The bill was then read the third time as amended and passed—Ordered, that the Secretary acquaint the House of Representatives therewith.

The lobby being cleared and the doors closed.

Mr. Casey from the joint committee appointed by both branches of the General assembly to examine the situation and condition of the Bank of the State of Alabama, submitted a report to the Senate the proceedings in relation to which will be hereafter shewn.

Mr. Jackson then offered the following resolution resolved, that this House have the power to correct or amend the report of any committee on being convinced that such report is shewn by the minority to contain matter that should be corrected, which was adopted. — And then the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M.

The Senate met pursuant to adjournment.

A message from the house of representatives by Mr. Tunstall their Clerk Mr. President. The house of representatives concur in the amendments made by the Senate to the resolutions instructing his Excellency the Governor to cause the remains of the late Israel Pickens to be removed from the Island of Cuba his late residence in Greene county.

They also concur in the amendments made by the Senate to the bill entitled, an act to authorize the sales of the sixteenth sections, and for other purposes; They have passed a bill which originated in the Senate entitled, an act concerning the attendance of jurors, and have amended the same in the manner herewith shewn; In which they desire your concurrence.

They have passed bills which originated in their house entitled, an act to amend and explain an act entitled, an act to establish a seventh judicial circuit, an act to incorporate the Hibernian Benevolent Society, of Mobile, and, an act for the relief of Charles Pearson, tax collector of Lawrence county. In which they desire your concurrence.

M. Casey from the special committee to which was referred a bill to be entitled, an act to change the place of holding the medical board, for the district of Cahawba, reported the same as amended, which was concurred in.

Mr. Shackelford moved to amend the bill by striking out five dollars the fee allowed to the medical board for each permit granted to an applicant for a license to practice medicine; which was carried. Yeas 8. Nays 7.

The yeas and nays being desired, those who voted in the affirmative are messrs. Ashe Barton Brown Crabb Jackson McCamey Miller and Shackelford.

Those who voted in the negative are, Mr. President, Casey, Earle, Evans Hubbard Jones Skinner and Sullivan. Ordered, to lie on the table.

Mr. Brown, presented the account of the Jailor of Montgomery county, and also the account of Henry Goldthwaite against the state; which were referred to the committee on accounts and claims.

Mr. Casey, presented the claims of William G. Parish for the rent of the offices of the Secretary of State, Comptroller and Treasurer, which was referred to the committee on accounts and claims.

Mr. Barton, called up the bill to be entitled, an act exempting the Judges from alternating at the ensuing terms of the courts. The bill being amended on Mr. Jackson's motion, was on motion of Mr. McCamey ordered to lie on the table till the first day of June next.

Mr. Crabb, from the military committee to which was referred a joint resolution to authorize the Governor to order the Quarter master General of this State to deliver a Field Piece to the Artillery company of Cahawba, and for other purposes, reported the same as amended, which was concurred in.

M. Meniwellher, moved further to amend the resolution by requiring the Governor to order the Quarter master General to furnish a field piece

to Capt. Black's company of Artillery at Greensborough, which was adopted. The joint resolution was then read the third time as amended and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Casey called up the bill entitled, an act to change the place of holding the medical board in the district of Columbia. The bill was then read the third time as amended and passed. Ordered, that the title of the bill be "an act to amend an act to regulate the licensing of Physicians to practice, and for other purposes, approved Dec. 22d 1836."

Mr. Shackelford called up the bill to be entitled, an act supplementary to the several acts now in force in relation to public weighers of cotton in the city of Mobile, and offered an amendment thereto providing for the appointment of a public weigher of cotton in the town of Selma; which was rejected. — Yeas 6, Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Barton Crabb Bartie Jackson and Shackelford.

Those who voted in the negative are, messrs. Ash, Brown, Casey, Evans, Hubbard Irwin, Jones, M. Carey, Merrimether, Moore, Powell, Skinner and Sullivan.

Mr. Casey then moved that the bill lie on the table till the first day of June next; which was lost. Yeas 7, Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Casey Jones M. Carey Merrimether Miller Skinner and Sullivan.

Those who voted in the negative are, Mr. President, Ash, Barton, Brown, Crabb Bartie Evans Hubbard Irwin Jackson Moore Powell and Shackelford. The bill was then read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to incorporate the town of Tuscaloosa, and to accept an act incorporating said town, passed 13th Dec. 1839.

An act to preserve the health of the inhabitants residing on Sinking creek in Lauderdale County; An act to authorize the election of a Justice of the Peace in the Town of Columbia in Shelby County; and, an act to authorize Manala Farrar to emancipate a situation woman slave named Patience, all of which were accordingly signed by Mr. President.

Mr. Jackson offered the following resolution: Resolved, That the Secretary be authorised to employ an additional clerk for the remainder of the session, which was adopted.

A bill to be entitled, an act to amend and explain an act entitled, an act to establish a seventh judicial circuit, was read the first time, and the rule requiring bills to be read on three several days being dispensed with the bill was read the second and third time forthwith and passed.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the bill entitled, an act concerning the attendance of jurors. Ordered, that the Secretary acquaint the House therewith.

A bill (from the House of Rep's.) entitled, an act to incorporate the Hibernian benevolent Society of Mobile, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed.

Ordered, that the House of Rep's. be informed thereof.

A bill to be entitled, an act for the relief of Charles Pearson tax collector of Lawrence County, was read and ordered to a second reading tomorrow.

A message from the House of Representatives by Mr. Remy.

Mr. President, the House of Representatives have passed a bill which originated in the Senate entitled, an act amendatory to the several acts heretofore passed in relation to the public revenue, and have amended the same as herewith shewn—in which they desire your concurrence.

They have also passed bills which originated in the House of Representatives entitled, an act supplementary to an act entitled, an act to establish a road from Greensborough to Montevallo approved Jan. 12th 1827; and, an act to divorce Thomas G. Snowden from Fannina Snowden, in which they desire your concurrence. Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill entitled, an act to amend the several acts heretofore passed in relation to the public revenue of this State. Ordered, that the concur in the resolution of the House proposing to go into the election of a President and twelve Directors of the Bank of the State of Alabama, this evening at half past 6 o'clock. Ordered, that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned 'till half past 6 o'clock this evening.

HALF PAST 6 o'clock P. M.

The Senate met pursuant to adjournment.

A message was received from the House of Representatives by Mr. Tunstall their clerk inviting the Senate to assemble in the Representative Hall for the purpose of going into the election of a President and twelve Directors of the Bank of the State of Alabama, whereupon the members of the Senate repaired to the hall of the House of Representatives, and having taken the seats assigned them, Mr. President arose and declared the object of the meeting, whereupon the two Houses proceeded to the election of a President of the Bank of the State of Alabama for the ensuing year Benjamin B. Fontaine and John L. Tindall being in nomination.—The votes stood thus: For Mr. Fontaine 61.—Mr. Tindall 13.

Those who voted for Mr. Fontaine are, Mr. President Ashe Barton Brown Casey Barie Ezans Hubbard Irwin Jackson Merriwether Moore Powell Shackelford Skinner Sullivan. Rep's. Mr. Speaker Anderson Bell Bradford Broadnax Bonnell Colgin Collier Conner Cook Coopwood Craig Daniel Davis Dennis Durrett Duke Edmondson Greening Harris Jack Lawler Lewis Massey n' Ray of F. Moore of mad. Paulding Perkins Hatney Richardson Ross Robertson Russell Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Tuning Walker Walthal Weisinger & Wiggins.

Those who voted for Mr. Tindall are, Messrs. n' Camy Miller Achlin Brown Forrest Higgins Kelly Martin n' Vay of Law. Moore of J. Price Rather and Ward.

Benjamin B. Fontaine, having received a majority of votes, was declared by Mr. Speaker to be duly elected President of the Bank of the State of Alabama for the present year.

The two Houses then proceeded to elect twelve Directors of the Bank of the State of Alabama, James Hogan, John H. Summerville, William G. Parish, James H. Dearing, Thomas Owen, Constantine Perkins, Andrew H. Gazzam, Willis Banks, Ira Griffin, William R. Colgin, Henry A. Snow, William P. Gould, Robert E. B. Baylor, Samuel B. Ewing, Thomas R. Bolling, Arch'd P. Baldwin, James B. Weatherspoon, Amund P. Pfister, John L. Tindall, and Gen. Thomas King in nomination.—The vote stood thus: For Mr. Gazzam 75.—Mr. Parish 73.—Mr. Tindall 71.—Mr. Perkins 68.—Mr. Dearing 65.—Mr. Summerville 59.—Mr. Snow 54.—Mr. Gould 54.—Mr. Colgin 53.—Mr. Owen 53.—James Hogan 52.—Mr.

Ewing 46.---mr. Banks 39.---mr. Giffin 41.---mr. Baylor 41.---mr. Balling 33.---mr. Baldwin 12.---mr. Weatherspoon 4---mr. Pfister 6.---mr. King 13.---John B. Hogan 18.

Those who voted for mr. G. z. z. are, mr. President Ashe Barton Brown Casey Crabb Earle Evans Hubbard Irwin Jackson Jones m'Cauley Merriweather Miller Moore Powell Shackelford Skinner Sullivan, Rep's. mr. Speaker, Aclien Anderson Bell Bradford Brown Broadnax, Bridges, Bonnell Colgin Collier Conner Cook Coopwood Craig, Daniel, Davis, Dennis, Durrett, Duke Ellis Edmondson Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler Lewis Martin m'Vay of Land, Massey, m'Raes of Frank Moore, of Jack, Moore of mad, Perkins Price Rather Ross Robertson Sargent Sharp Smith of C. Smith of mad, Stone Tarver Terry Vaughan Vining Walker Ward Weisinger and Wiggins.

Those who voted for mr. Parish, are mr. President, Ash Barton Brown Casey Crabb Earle Evans Hubbard, Jackson, Jones, m'Cauley, Merriweather Miller Moore Powell Shackelford Skinner Sullivan, Rep's. mr. Speaker, Anderson Bell Bradford Brown Broadnax, Bridges, Bonnell, Colgin Collier Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durrett Duke Ellis Edmondson Greening Harris Higgins, Jack, Kelly, Lawler Martin m'Vay of Land, Massey m'Rae of F. Moore of J. Moore of mad, Perkins Price Ramey Rather Richardson Ross Robertson Russell Sargent Smith of C. Smith of mad, Stone Tarver Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Mr. Tindall are, mr. President, Ashe Barton Brown, Casey Crabb Earle Evans Hubbard Irwin Jackson Jones m'Cauley Merriweather Miller Moore Powell Shackelford Skinner Sullivan, Rep's. mr. Speaker Aclien Anderson Bell Bradford Brown Bridges Colgin Collier Conner Cook Coopwood Daniel Davis Dennis Durrett Duke Ellis Edmondson Forrest Greening Harris Higgins Jack Kelly Lawler Martin m'Vay of Land, Massey m'Rae of Frank, Moore of J. Moore of mad, Price Ramey Rather Richardson Ross, son Russell Sargent Smith of C. Smith of mad, Tarver Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins.

Those who voted for mr. Perkins are, mr. President, Ashe Barton Brown Casey Crabb Earle Evans Hubbard Irwin Jackson Jones m'Cauley Merriweather Miller Moore Powell Shackelford Skinner Sullivan, Rep's. mr. Speaker, Aclien Anderson Bell Bradford Brown Bridges Bonnell Colgin Collier Conner Cook Coopwood Daniel, Dennis, Duke Ellis, Edmondson, Forrest, Greening, Higgins Jack Kelly Lawler Lewis Martin m'Vay of Land, Massey m'Rae of Frank, Moore of J. Price, Ramey, Rather, Richardson, Robertson, Ross, Sargent Sharp Smith of C. Stone Tarver, Terry, Vaughan, Vining, Walker, Walthal Ward Weisinger and Wiggins.

Those who voted for mr. Dearing are, mr. President, Ashe Barton Brown Casey Crabb Earle Evans, Hubbard Jackson Jones, m'Cauley, Merriweather, Miller, Moore Powell Shackelford Sullivan, Rep's. mr. Speaker, Aclien Anderson, Bell Bradford Bridges Colgin Collier Conner Coopwood Daniel Davis Dennis Durrett Duke Ellis Forrest Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis Martin Massey, m'Rae, of Peck, Moore, of J. Moore of mad, Price, Ramey, Rather Richardson Ross Russell Sargent Sharp Smith of C. Smith of mad, Stone Tarver Terry Vaughan, Vining, Walthal, Ward, Weisinger and Wiggins.

Those who voted for Mr. Summerville are, mr. President, Ashe Barton Brown Crabb Earle Evans, Jackson, Jones, m'Cauley, Merriweather, Miller, Moore Powell Shackelford Skinner Sullivan, Rep's. mr. Speaker Aclien Bell Bradford Broadnax Colgin Collier Coopwood Cook Craig Daniel Davis Durrett Duke Edmondson Forrest Greening Harris Jack Lawler Mar-

th Massey m'Rae of Frank. Moore of J. Moore of mad. Perkins Price Rainey Rather Richardson Ross Robertson Sargent Smith of mad. Stone Tarver Terry Vaughan Vining Walker Walthal and Weisinger.

Those who voted for mr. Snow are, mr. President, Ashe, Barton, Brown Crabb, Earle, Jackson, Jones, m'Caney, Merriwether, Miller, Moore Powell Skinner Sullivan. *Rep's.* Anderson Bell, Bradford Brown Broadnax Colgin Collier Conner Craig Daniel Davis Durrett Duke Ellis Edmondson Harris Higgins Jack Kelly Lewis Martin m'Vay of Laud. Massey m'Rae, of Frank. Moore, of mad. Perkins, Rainey, Rather, Richardson Robertson Russell Sargent Smith of mad. Stone, Tarver, Terry Vining and Ward.

Those who voted for mr. Gould are, messrs. Ashe, Barton Brown Casey Crabb Earle Evans Hubbard Irwin Merriwether Shackelford Skinner. *Rep's* mr. Speaker Acklen Bell Bradford Brown Broadnax Bridges Bonnell Conner Cook Daniel Davis Durrett Edmondson Greening Harris Higgins Jack Kelly Lawler Lewis Martin m'Vay of Laud. Massey Moore of mad. Perkins Rather Richardson Ross Robertson Russell Sargent Sharp Smith of mad. Stone Terry Vaughan Walker Ward Weisinger and Wiggins.

Those who voted for mr. Colgin are, mr. President, Barton, Brown, Casey Crabb, Earle, Jackson, Jones, m'Caney, Merriwether, Miller, Moore Hubbard Shackelford *Rep's.* mr. Speaker Acklen Anderson Bell Brown Broadnax Bonnell Collier Conner Coopwood Craig Daniel Davis Durrett Ellis Edmondson Forrest Greening Harris Jack Lewis Martin m'Vay of Laud. Moore of J. Moore of mad. Perkins Price Rainey Rather Richardson Ross Roberson Sharp Smith of Mad. Stone Terry Vining and Walthal.

Those who voted for mr. Owen are mr. President, Barton Brown Casey Crabb Evans Hubbard Jackson Jones m'Caney Merriwether Miller Moore Powell Shackelford Skinner Sullivan *Rep's.* mr. Speaker, Broadnax Bridges Colgin Collier Conner Coopwood Davis Dennis Duke Ellis Forrest Greening Harris Jack Kelly Lawler Lewis, Martin m'Vay of Laud. Massey Moore of J. Rainey, Rather, Richardson, Russell, Sargent, Sharp, Smith, of C. Smith, of mad. Stone, Terry, Vining, Walthal, Ward and Weisinger.

Those who vote for Mr. James Hogan, are, mr. President, Barton, Brown Casey Crabb Evans Hubbard Irwin, Jackson, Jones, m'Caney, Meriwether Miller Moore Powell Skinner Sullivan. *Rep's.* Bell, Broadnax Bridges Colgin Collier Conner Coopwood, Craig Davis Dennis Durrett Edmondson Forrest Higgins Lawler m'Vay of Laud. Massey m'Rae of F. Perkins Price Rainey Rather Richardson Ross Robertson Russell Sharp Smith of mad. Terry Vaughan Vining Walker Walthal Weisinger and Wiggins.

Those who voted for Mr. Ewing are, messrs. Ashe Casey Evans Hubbard Irwin Jones m'Caney Moore Shackelford Skinner. *Rep's.* mr Speaker Acklen Anderson Bradford Brown Broadnax Bridges Bonnell Cook Coopwood Craig Dennis Durrett Duke Higgins Lawler Lewis Martin m'Vay of Laud. m'Rae of F. Moore of J. Perkins Price Rainey Russell Sargent Sharp Smith of C. Stone, Tarver, Vaughan, Walker, Walthal, Ward Weisinger and Wiggins.

Those who for Mr Banks are, messrs. Crabb, Irwin, Jones, Sullivan, *Rep's.* Anderson Bradford Brown Broadnax Bridges Bonnell, Colgin, Collier Conner Cook Craig Daniel Dennis Durrett Ellis Harris Higgins

Jack Kelly Lawler Lewis Massey Moore of mad: Perkins Price Rainey Rather Richardson Robertson Smith of mad, Tarver Vaughan, Vining, Ward and Wiggins.

Those who voted for mr. Griffin are, messrs. Ashe, Brown, Earle, Irwin Powell Sullivan, *Rep's* Acklen Anderson Bradford Brown Bridges Bonnell Colgin, Collier, Conner, cook, Daniel, Davis, Dennis, Durrett, Duke, Ellis Forrest Greening Jack Kelly, Lawler, Lewis, Massey, Moore of Jack, Ross Robertson Russell Sargent Sharp Smith of c. Stone Vaughan Walthal Ward and Wiggins.

Those who voted for mr Baylor are, messrs. Casey Evans, Hubbard, Irwin ~~McCamey~~ Shackelford Skinner Sullivan. *Rep's* mr. Speaker Anderson Brown Bridges Bonnell cook coopwood Daniel Davis Dennis Duke Ellis Edmondson Forrest Greening Higgins Kelly m' Rae of F. Moore, of mad. Price Russell Sargent Sharp Smith of c. Tarver Terry, Vaughan, Walker Walthal Ward Weisinger and Wiggins.

Those who voted for mr. Bolling are, mr. President, Ashe, Barton, Earle Jackson Miller Shackelford *Rep's* mr. Speaker, Acklen, Bell, Bradford Brown Broadnax Bonnell colgin cook crai; Daniel, Edmondson Harris Lewis Martin m'Vay of Land Moore of mad. Perkins Rainey Ross Robertson Russell Sharp Smith of mad. Stone Vining Walker Walthal Weisinger and Wiggins.

Those who voted for mr. Baldwin are, messrs. Ashe. *Rep's*. Acklen, Anderson bonnell Ellis Forrest Harris m'Vay of Land: Moore of Jack. Perkins Richardson and Ross.

Those who voted for mr. Pfister are, messrs. bonnell Forrest Greening m' Rae of F. Tarver and Walker.

Those who voted for mr. King are, messrs. Casey Hubbard Irwin ~~McCamey~~ Miller Duke Higgins Kelly Moore of mad. Sharp Smith of c. Tarver and Walker.

Those who voted for John B. Hogan are, messrs. Barton Earle Evans Hubbard Irwin Jackson Jones Moore skinner, *Rep's*. Bell, Coopwood, Craig Dennis Edmondson Lewis Ross and smith of clark.

Audley H. Gazzam, William G. Parrish, John L. Findall, Constantine Perkins, M. Dearing, John H. Summerville, Henry A. Snow, William P. Gould, William R. Colgin, Thomas Owen, James Hogan and Samuel B. Ewing, having received the high number of votes were declared by Mr. Speaker to be duly elected Directors of the Bank of the STATE OF ALABAMA, for the present year.

The election being completed the Senate withdrew returned to their own chamber, and Mr. President resumed the chair, when on motion the Senate adjourned till tomorrow morning at 9 o'clock.

Saturday, Jan. 12th, 1828.

The Senate met pursuant to adjournment.

On motion of Mr. Casey, ordered that Mr. Jackson have leave of absence for the remainder of the Session. On motion of Mr. Casey ordered that Mr. Evans have leave of absence for the remainder of the Session after today.

On motion of Mr. Shackelford, ordered, that Mr. Barton have leave of absence for the remainder of the Session after today.

A message from the Governor by Mr. Thornton.

Mr. President, the Governor did on the 10th instant approve and sign, an act to emancipate certain persons therein mentioned; An act to authorise John G. Croagh to bring into this State the slaves of his wards Anne D. Houze and James Houze, and for other purposes; An act reviving an act authorising a Lottery for the benefit of the navigation of the Ouchitchee River; An act to repeal so much of the 3d section of an act entitled, an act to reduce the expenses of the General Assembly, and for

other purposes, passed at Cahawba on the 15th day of June 1821, as is herein specified; an act to amend an act entitled, an act to provide for the printing of the Laws and Journals and for other purposes, passed 25th Dec. 1822, and on this day: an act to amend an act entitled, an act to Incorporate the Town of Elyton in the county of Jefferson passed Dec. 20th 1826, all of which originated in the Senate.

Mr. Brown obtained leave to introduce a bill to be entitled, an act to authorise James Thompson and his associates to open a Turnpike road therein named; which was read, the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence.

Mr. Casey called up the bill entitled, an act to provide for the preservation of the public arms.—The amendments proposed by the Military committee being concurred in the bill was read the third time and passed.

Ordered, that the Secretary acquaint the House of Rep's, therewith.

Mr. Powe from the joint committee on enrolled bills reported as correctly enrolled, an act to amend an act entitled, an act to divide the State into districts for electing Representatives to Congress, passed Dec. 21st 1822; an act to declare Canoe Creek in St. Clair county a public highway; an act concerning the attendance of Jurors, an act to divorce James Pharr from Mary Pharr, an act to authorize the county court of Jackson to levy an extra tax; an act to apportion the Representatives among the several counties in this State, and divide the State into Senatorial districts according to the late census all of which were accordingly signed by Mr. President.

Mr. Irwin, called up the bill entitled, an act to abolish and establish certain election precincts therein mentioned, and offered an amendment to the same, which was adopted.—The bill was further amended and again laid on the table.

Mr. Hubbard, obtained leave to introduce a bill to be entitled, an act explanatory of the laws regulating the times of holding the circuit courts, in the several counties in the fourth and seventh circuits of this State, which was read the first and second time, and ordered, to lie on the table.

Mr. Shackelford obtained leave to introduce a joint resolution authorizing the further investment of the University fund, which was read.—The rule requiring joint resolutions to be read on three several days being dispensed with, the resolution was read the second and third time and passed, ordered, that the title of the resolution be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Mr. Casey presented the account of the Jailor of Butler county; which was referred to the committee on accounts and claims.

A bill to be entitled, an act supplementary to an act entitled, an act to establish a road from Montevallo to Greensboro, approved January 12th 1827, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed, ordered, that the Secretary acquaint the House therewith.

A bill to be entitled, an act to divorce Thomas S. Snowden from Tabitha Snowden, was read, and the rule requiring bills to be read on three several days being dispensed with the bill was read the second time and ordered to a third reading on Monday next.

A bill entitled, an act providing at what place land and negroes taken in execution shall be sold in the county of Tuscaloosa, was read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill entitled, an act prescribing the mode of ascertaining the sense of the citizens of this state on the proposed amendment to the constitution

of this state, limiting the tenure of the Judges to seven years, was read the second time and ordered to a third reading on Monday next.

A bill entitled, an act to emancipate certain persons therein mentioned, was read the second time and laid on the table till this evening.

Bills (from the House of Representatives) entitled, an act to incorporate "Barker encampment of Knights Templar no. 1. an act relative to Volunteer companies in the militia of this state, and for other purposes, and, an act to authorize the Governor to cause bonds taken for public arms to be renewed, and for the distribution of the public arms, were severally read the second time. The rule requiring bills to be read on three several days being dispensed with, the bills were severally read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill entitled, an act for extending the time granted to John Fowler for running a steam ferry boat, row boat, or sail boat, between the city of Mobile and the town of Bakely, by an act passed 26th December 1822, was read the third time and passed.

Joint resolutions proposing amendments to the constitution of the United States, were read the second time, and the rule requiring joint resolutions to be read on three several days being dispensed with the resolutions were read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill entitled, an act for the relief of Charles Pearson tax collector of Lawrence county; and, joint resolution to authorize the erection of the state capitol in broad street, were severally read the second time and ordered to a third reading on Monday next.

A bill entitled, an act for the relief of Robert H. Rose was read the second time and laid on the table.

A bill entitled, an act to incorporate a volunteer company under the name and style of the Munroe Rifle company, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the bill entitled, an act to authorize the Judge of the county court and commissioners of Roads and Revenue of Shelby county, to levy an extra tax, ~~be read the~~ table.

Joint remonstrance to the Congress, of the United States against the power assumed to protect certain branches of domestic industry at the expence of others, and the policy of the measure, was read the third time and passed. Yeas 12 — Nays 6.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Ashe, Brown, Casey, Crabb, Evans, Irwin, Jackson, Merriwether, Miller, Shackelford, Skinner, and Sullivan.

Those who voted in the negative are, Mr. President, Barton Earle Hubbard m'Camy and Powell. — *Ordered*, that the Secretary acquaint the House of Rep's. therewith.

Mr. Hubbard from the committee on the part of the Senate to confer with a committee on the part of the House of Representatives on the subject of disagreement in relation to the amendment made by the Senate to the bill to compensate the superintendent on the public buildings reported, that the committee of conference have agreed to amend the amendment by striking out, "thirteen hundred" and inserting "one thousand dollars," which was concurred in. — *Ordered*, that the Secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled, an act to establish an office of deposit and depository of the Bank of the State of Alabama in the Northern part of this state, was read the third time and rejected. — Yeas 8 — Nays 12.

The yeas and nays being desired, on the passage of the bill, those who voted in the affirmative are, Messrs. Casey Evans Hubbard Irwin m'Camy Miller Skinner & Sullivan.

Those who voted in the negative are, Mr. President, Ashe Barton Brown Crabb Earle Jackson Jones Merriwether Moore Powell and Shackelford, so the bill was rejected.

A message from the House of Representatives by Mr. Ready.

Mr. President. The House of Representatives have passed a bill which originated in their House entitled, an act supplementary to an act entitled, an act to establish the Bank of the State of Alabama, approved December 20th 1823.

A bill from the House entitled, an act supplementary to an act entitled, an act to establish the Bank of the state of Alabama approved December 20th 1823, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. Ordered that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Ready.

Mr. President. The House of Representatives have passed bills which originated in their House entitled, an act the better to provide for the trial of the right of property, and for other purposes, and, an act to amend an act entitled, an act respecting bail in civil cases passed 9th December 1823. In which they desire your concurrence.

The bills mentioned in the foregoing message were severally read the first time, and the rule requiring bills to be read on three several days being dispensed with, they were severally read the second time and referred to the committee on the judiciary to consider and report thereon.

A message from the House of Representatives by Mr. Tunstall their clerk.

Mr. President. The House of Representatives have passed a bill which originated in their House entitled, an act making appropriations for the years 1828 In which they desire your concurrence.

A bill (from the House of Representatives) entitled, an act making appropriations for the year 1828, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith and ordered to lie on the table.

Bills (from the House of Representatives) entitled, an act to establish the dividing lines between the counties of Bibb and Tuscaloosa according to the existing laws, an act for the relief of Joseph Owens, and an act to alter the times of holding county courts martial, were severally read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled, an act regulating the fees of Sheriffs, clerks, attorneys and other officers therein named, was read the third time, and rejected. Yeas 8 Nays 8.

The yeas and nays being desired those who voted in the affirmative are, messrs. Casey, Hubbard Irwin Jones Merriweather, Miller Moore, and Skinner.

Those who voted in the negative are Mr. President, Ashe, Barton, Crabb Earle McCamy Shackelford and Sullivan.

A bill entitled, an act to emancipate certain slaves therein named was read the third time, amended by way of rider and passed. Ordered that the Secretary acquaint the House of Representatives therewith.

Mr. Crabb, moved to reconsider the vote of the Senate on the passage of the bill entitled, an act regulating the fees of sheriffs, clerks, attorneys, and other officers therein named; which was carried. Ordered, that the bill lie on the table till this evening.

A bill entitled, an act to repeal in part an act passed March 1803, and re-enacted with amendments Feb. 1807, read the third time and passed.

Yeas 9.—Nays 8.

The yeas and nays being desired those who voted in the affirmative are

Mr. President, Barton Brown Crabb Earle McCamy Powell, Skinner, and Sullivan.

Those who voted in the negative are messrs. Ashe Casey Hubbard Irwin Jones Merriweather Miller and Moore.—Ordered that the Secretary acquaint the House of Representatives therewith—and then the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M. January 12th 1828.

The Senate met pursuant to adjournment.

Mr. Powell from the joint committee on enrolled bills, reported as correctly enrolled an act amendatory of the several acts heretofore passed in relation to the public revenue; an act to provide the clerks of the several counties in this State with copies of the acts of the present and each subsequent Congress of the United States, an act to increase the capital of the Bank of the State of Alabama, an act to regulate the payment of petit jurors in the county of Washington; an act to provide for the payment of petit jurors in the county of Jefferson, an act to authorize Jesse Lott to continue a toll bridge erected over dog river in the county of Mobile.

An act to authorize William Hynes to sell and convey a certain tract

of land therein mentioned, and for other purposes; an act to Incorporate the Trustees of Oak grove Academy of Perry County; an act to repeal an act to provide for the payment of petit jurors in the counties therein named, and for other purposes, passed Dec. 25th 1824 as far as the same applies to the county of Autauga; and for other purposes; An act to repeal in part and amend an act entitled, an act to establish a certain road therein designated; An act to authorise the commissioners of Revenue and Roads of Mobile county to levy a special tax and for other purposes; An act to appoint commissioners to lay out a road therein specified; an act to repeal in part and amend an act entitled, an act respecting slaves passed march 6th 1803; An act for the relief of Andrew O. Horn; an act to place a certain road therein named under the controul of the commissioners court of revenue and roads in Shelby county; an act to authorise Wyatt Harper administrator of William Bates dec'd. to sell and transfer real estate; an act providing for the election of a Sheriff in Blount County; and for other purposes. An act to repeal in part, an act therein named; and an act to authorise the election of an additional Constable in the beat including the Town of Claiborne, all of which were accordingly signed by Mr. President.

Mr. Crabb called up the bill entitled, an act to abolish and establish certain election precincts therein mentioned and ordered in amendment to the same which was adopted. — The bill was then read the third time as amended and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

On motion of Mr. Casey ordered, that Mr. Earle have leave of absence for the remainder of the Session after today.

Mr. Barton presented the accounts of William M'Gehee and Isaac Johnson against the State, which were referred to the committee on accounts and claims.

Mr. Hubbard from the special committee appointed to prepare a memorial to the Congress of the United States requesting further relief to the purchasers of public lands asked to be discharged from the further consideration thereof, the subject being embraced in a memorial from the House of Representatives; which was agreed to.

Mr. Hubbard from the committee on the judiciary to which was referred a bill entitled, an act to amend an act entitled, an act respecting bail in civil cases passed 9th Dec. 1823. reported the same as amended, which was concurred in, the bill was then read the third time and passed.

Ordered, that the Secretary acquaint the House of Rep's therewith.

Mr. Hubbard from the same committee to whom was referred a bill to be entitled, an act the better to provide for the trial of the right of property; and for other purposes, reported the same without amendment, the rule requiring bills to be read on three several days being dispensed with the bill was read the third time and ordered to lie on the table.

A message from the House of Representatives by Mr. Ready.

Mr. President; the House of Representatives have adopted the following preamble and resolution in which they desire your concurrence.

Further information having rendered it probable that some of the debts considered doubtful by the joint committee appointed to examine the State Bank, ought not to be so considered but on the contrary should be considered good. *Be it therefore Resolved*, with the concurrence of the Senate that the report of said committee be recommitted for the purpose of revising that part of the same that relates to bad and doubtful debts.

On motion of Mr. Casey, ordered, that the Senate concur in the resolu-

tion from the House of Representatives proposing with the concurrence of the Senate that the report of the joint committee appointed to examine the Bank be re-committed to the same committee for the purpose of revising that part of the report relating to bad and doubtful debts.

Mr. Casey then moved that the Senate proceed to elect an additional member of the joint committee to examine the state and condition of the Bank, to supply the vacancy occasioned by the absence of Mr. Jackson, who was a member of the committee which was carried.—Whereupon the Senate proceeded to the election of a member of the committee, Mr. Shackelford alone being in nomination.—For Mr. Shackelford, 18 votes.

Those who voted for Mr. Shackelford are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Lewis, Jones, McCamy, Merrivether, Miller, Moore, Powell, Skinner, and Sullivan.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Ready.

Mr. President, the House of Representatives concur in the report of the committee of conference appointed on the amendment made by the Senate to the bill entitled, an act giving additional powers to the commissioners for superintending the erection of the state capitol and for compensating the superintendent.—They concur in the amendments made by the Senate to bills &c. of the following titles, to-wit: An act to change the place of holding the medical board for the district of Cahawba; Joint Resolution authorising the Governor to order the Quarter Master General of this state to deliver a Field piece to the artillery company at Claiborne, and for other purposes; Joint memorial to the Congress of the United States asking permission for the Trustees of the University of Alabama to select other lands in lieu of those therein mentioned; They have amended the amendment made by the Senate to the bill entitled, an act to amend the third section of an act passed at the last Session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line, between this State and Georgia by striking out 'two hundred dollars' and inserting 'three hundred dollars' in which they desire your concurrence.

They insist on their amendment to the bill entitled, an act relative to the satisfaction of executions. They have passed bills which originated in their House entitled, an act to amend an act entitled, an act providing for the erection of a state capitol, and for other purposes; An act to authorise the Judge of the county court and commissioners of Roads and Keys, and to fill vacancies in certain cases; An act to divorce Jane Gholson from her husband John Gholson; An act to divorce Parthania Coursey from her husband James Coursey; An act to divorce Benjamin D. Hassell from his wife Mary Hassell; An act to establish the 52d Regiment of Alabama Militia; An act to authorise the Judge and commissioners of St. Clair County to levy a tax for the purpose therein mentioned; An act for the relief of Samuel Battles; An act giving further time for filing county claims; and, An act to explain and amend the 9th section of an act passed Dec. 18th, 1819 entitled, an act to establish certain counties therein named, and for other purposes therein mentioned.—In which they desire your concurrence. Ordered, that the Senate insist on their disagreement to the amendment made by the House to the bill entitled, an act relative to the satisfaction of executions, and that a committee of conference be appointed on said amendment, whereupon Messrs. Crabb, Hubbard and McCamy were appointed on the part of the Senate.

Ordered, that the Secretary acquaint the House therewith.

Mr. Hubbard moved that the Senate concur in the amendment made by the house of Representatives to their amendment to the bill entitled, an act to amend the third section of an act passed at the last Session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this State and Georgia, by striking out \$200 and inserting \$500, which was carried—Yeas 11, Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Brown, Casey, Evans, Hubbard, Irwin, Merriwether, Miller, Moore, Shackelford, Skinner and Sullivan. Those who voted in the negative are, Mr. President Ashe, Barton, Crabb, Earle, Jones, McCamy and Powell. So the amendment was concurred in.

Ordered, that the Secretary acquaint the house of Rep's. therewith.

Bills from the House of Representatives entitled, an act to establish the 5^d Regiment of Alabama Militia; an act to authorise the Judge and commissioners of St. Clair County to levy a tax for the purpose therein mentioned; an act to explain and amend the 9th section of an act passed Dec. 13th 1819 entitled, an act to establish certain counties therein named, and for other purposes therein mentioned; and, an act to authorise the Judge of the county court and commissioners of Roads and Revenue to fill vacancies in certain cases, were severally read the first time, the rule requiring bills to be read on three several days being dispensed with, the bills were severally read the second and third time and passed.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

A bill to be entitled, an act for the relief of Samuel H. Coles; An act giving further time for filing county claims; An act to divorce Martha Ann Coursey from her husband James Coursey; and, An act to amend an act entitled, an act providing for the election of a state capital, and for other purposes, were severally read the first time and ordered to a second reading on Monday next. A bill to be entitled, an act to divorce Benjamin D. Hassell from his wife Mary Hassell; and, An act to divorce Jane Goulson from her husband John Goulson, were severally read the first time and the rule requiring bills to be read on three several days being dispensed with, the bills were severally read the second time and ordered to a third reading on Monday next.

Mr. Moore offered the following resolution; *Resolved*, That a message be sent to the house of Representatives informing them that the Senate has nearly completed the business now before them and will be ready to adjourn *sine die* this evening. Ordered, that the resolution lie on the table.

A bill entitled, an act to emancipate certain persons therein named, was taken up, and the rule requiring bills to be read on three several days being further dispensed with, the bill was read the third time and passed.

Ordered, that the Secretary acquaint the house of Rep's. therewith.

Engrossed bill to be entitled, an act regulating the fees of Sheriffs, Clerks, Attorneys and other officers therein named, and on the question being put, shall the bill pass? it was determined in the affirmative. Yeas 11, Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Ashe, Casey, Crabb, Evans, Hubbard, Irwin, Jones, McCamy, Merriwether, Miller and Skinner.

Those who voted in the negative are, Mr. President Barton, Brown, Earle, Moore, Powell, Shackelford and Sullivan. So the bill was passed.

Ordered, that the title of the bill be, "an act regulating the fees of certain officers therein named." Ordered, that it be sent to the house of Rep's. for their concurrence.

Mr. Miller called up the bill to be entitled, an act for the relief of R. H. Rose. The bill was then read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith; and then the Senate adjourned till Monday morning at 11 o'clock.

MONDAY 14th JANUARY 1826.

The Senate met pursuant to adjournment.

Mr. Powell, from the joint committee on enrolled bills reported as correctly enrolled, an act further to amend the charter of the Bank of the State of Alabama; which was accordingly signed by Mr. President.

Mr. Casey, from the special committee to which was referred so much of the Governor's annual communication as relates to the failure of the Tombeckbe Bank to redeem its notes with specie submitted a report, on motion of Mr. Powell ordered that the report lie on the table.

Mr. Powell from the joint committee on enrolled bills reported as correctly enrolled, an act to provide for reports of the decisions of the Supreme Court, an act to incorporate the Franklin Academy in the town of Russellville Franklin county; an act to authorize John Smith of Jefferson county to emancipate a certain slave therein named; an act to authorize the building a Jail in Morgan county; an act concerning the registration of deeds and patents; an act concerning the owners and keepers of mills and other water works in Limestone county, an act to amend an act entitled, an act to incorporate the school commissioners of the fourth township, eighth range, west from Huntsville, and for other purposes, an act regulating the duties at law and for other purposes, an act authorising a lottery for the purpose of building an academy and Court House in the county of Henry, an act for the further relief of securities, and an act to provide for the speedy collection of debts due the Bank of the state of Alabama in certain cases, all of which were accordingly signed by Mr. President.

Mr. Moore, presented the account of Enoch Bryant which was referred to the committee on accounts and claims.

Mr. Crabb from the committee of conference appointed on the subject matter of disagreement between the two Houses in relation to the amendment made by the House to the bill entitled; an act relative to the satisfaction of executions, reported, that the committee have had a meeting and have agreed to recommend to the two Houses that the said amendment by the House be amended by inserting after the words 'judgment creditors' in the second section the words "in the courts of record of this State," and that the amendment so amended be agreed to by the Senate; which was concurred in. Ordered that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Tunstall their Clerk.

Mr. President. The House of Representatives have passed bills which originated in the Senate entitled; an act to change the time of holding the county courts of Jefferson, Henry and Dale counties; and have amended the same in the manner herewith shewn. In which they desire your concurrence.

An act regulating judicial proceedings; Joint resolution authorizing a farther investment of University funds; an act better to regulate judicial proceedings; an act defining the liability of indorsers and for other purposes; and have amended the same by striking out all the preamble of the bill and substituting the accompanying amendment.—In which they desire your concurrence.

They have also passed a bill entitled; an act to authorize James Thompson and his associates to open a Turnpike road therein named, and have amended the third section of the bill in the manner herewith shewn.—In which they ask your concurrence.

They have passed bills which originated in their House entitled, an act to encourage the raising Volunteer companies in the county of Morgan, an act to provide compensation for a person to transcribe and arrange the records of the clerk's office of the county court of the county of Dallas, an act explanatory of 15th and 24th sections of an act to reduce into one the several acts concerning roads, bridges, ferries and highways approved January 12th 1827, an act providing for the payment of Solicitors for prosecuting to conviction slaves charged with capital offence report and joint resolutions in relation to the boundary line between this State and Georgia an act to regulate the mode of organizing the Senate and House of representatives at the commencement of each session; and, an act to provide for the payment of certain expenses therein mentioned. In which they desire your concurrence.

They concur in the several amendments made by the Senate to bills entitled, an act to abolish and establish certain election precincts therein mentioned; an act relative to Volunteer companies in the militia of this State and for other purposes; an act to emancipate certain slaves therein named; and an act to alter the time of holding company courts martial. They have also passed bills which originated in their House entitled, an act to allow further time to the tax collector of Madison county to collect and pay over the taxes of that county for the year 1827, an act supplemental to an act to establish the dividing line between the counties of Tuscaloosa and Bibb according to the existing laws passed the present session and a joint resolution to provide for the safe keeping of the state furniture. In which they desire your concurrence.

Ordered, that the Senate concur in the amendments made by the House to bills entitled, an act to authorize James Thompson and his associates to open a turnpike road therein named; and an act to change the times of holding the county courts of Jefferson, Henry and Dale counties.

Ordered, that the Secretary acquaint the House of representatives therewith.

A bill to be entitled, an act supplemental to an act to establish the dividing line between the counties of Bibb and Tuscaloosa according to the existing laws, passed the present session, was read the first time and ordered to a second reading tomorrow; Ordered, that the committee on accounts and claims have leave to sit during the session of the Senate.

Mr. Hubbard moved that the Senate concur in the amendment made by the House of representatives to the bill entitled, an act defining the liability of indorsers & for other purposes; which was lost. Y, as 9 Nays 9.

The yeas and nays being desired, those who voted in the affirmative are messrs. Evans, Hubbard, Irwin, Jones, m'Caney, Merrithew, Miller, Moore and Skinner.

Those who voted in the negative are, mr. President, Ashe, Brown, Casey, Crabb, Earle, Powell, Shackelford, and Sullivan.—Ordered, that the Senate disagree to said amendment and that the secretary acquaint the House of Representatives therewith.

A joint resolution for the preservation of the State House furniture, was read. The rule requiring joint resolutions to be read on three several days being dispensed with the resolution was read the second time.

Mr. Casey, moved to amend the joint resolution by striking out all after the word 'Resolved,' and to substitute another in lieu thereof; which was carried. The rule being further dispensed with the resolution was then read the third time and passed. Ordered that the Secretary acquaint

the House of Representatives therewith.

A bill entitled, an act to encourage the raising of Volunteer companies in the county of Morgan was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed.—Ordered, that the secretary acquaint the House of Representatives therewith.

A bill entitled, an act explanatory of the 11th and 24th sections of an act to reduce into one the several acts concerning roads, bridges, ferries and highways, approved January the 12th 1827, was read, and the rule requiring bills to be read on three several days being dispensed with the bill was read the second time and laid on the table till this evening.

A bill entitled, an act to provide compensation for a person to transcribe and arrange the records of the clerk's office of the county court of the county of Dallas, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time.

Mr. Irwin, moved to amend the bill by inserting the county of Henry after Dallas wherever it occurs in the bill; which was carried. The rule being further dispensed with the bill was read the third time as amended and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

A bill entitled, an act providing for the payment of solicitors for prosecuting to conviction slaves charged with capital offences, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed Yeas 9 Nays 3.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Casey Hubbard Irwin M'Casey Miller, Moore Shackelford and Sullivan.

Those who voted in the negative are, messrs. Crabb Evans and Jones, so the bill was passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

A message from the Governor by Mr. Thornton.

Mr. President: The Governor did on the 12th inst. approve and sign, an act to amend an act entitled, an act to divide the state into districts for electing Representatives to Congress, passed December 21st 1822, an act to decree Cane Creek in St. Clair county a public highway.

An act concerning the attendance of jurors: an act to organize and establish a circuit court in Dale county and to arrange the counties of the first, second and sixth judicial circuits: an act to repeal an act entitled, an act to provide for the payment of petit jurors in certain counties therein named, approved December 22d 1826, so far as said act relates to the counties of Dallas Marengo and Mobile, an act to provide for the translation and preservation of the Spanish records of this state, an act to authorize and require the Secretary of State to procure and distribute to each county in this State one sets of weights and measures, and, an act to incorporate the town of Tuscaloosa and to repeal an act incorporating said town passed the 13th December 1819, and on this day (the 14th) an act further to amend the Charter of the Bank of the State of Alabama, all of which originated in the Senate, and then the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M. 14th JANUARY 1828.

The Senate met:—Mr. Casey, from the joint committee to which was recommitteed elected to examine the state and condition of the Bank submitted the following report.

"The joint committee elected to examine the State Bank and to whom the report presented by said committee to both Houses was recommitteed with instructions to revise that part of the report which relates to bad & doubtful debts, report, that they have had a meeting and no evidence being offered to cause a change in the opinion of the committee to the report first made it is reported back without amendment. Ordered, that the report of the committee be concurred in and that Five hundred copies thereof be printed for the use of the Senate.

The following is the Report of the committee:

The joint committee appointed by both branches of the General Assembly to examine the situation and condition of the Bank of the State of Alabama, respectfully report.—That the paper annexed, marked (A) is an expose of the situation and condition of the Bank up to 21st December, 1827: the time at which the examination of the books of the bank, so far as they are connected with the funds of the institution, was completed.

The amount due the bank on the 21st December, 1827, on notes discounted to individuals, as will appear from statement A, was five hundred and thirty five thousand five hundred and twenty dollars (\$53,520.)

By referring to the papers marked (A. & B.) it will be seen that the condition of the bank has greatly improved since the 21st Dec. last. The Cashier's statement marked B. shews the condition of the bank up to the 5th inst.

The amount of debts due the Bank on the 21st. Dec. last, as is above stated, was five hundred and thirty five thousand five hundred and twenty dollars (\$53,520.) By referring to the paper marked (B) these debts on the 5th inst. amounted to only two hundred and eighty three thousand four hundred and forty four dollars (\$283,444) having been reduced by payments made since the 21st Dec. last, two hundred and fifty two thousand and seventy six dollars (\$252,076.) while the available funds of the institution have been increased two hundred and fifty two thousand two hundred and ninety five dollars and sixty cents (\$252,295,60.) by the purchase of bills of exchange and by paper of the other banks paid in, and at the same time the circulating paper of this bank has been diminished three thousand and twenty five dollars (\$3,25.)

The committee think it proper here to submit a few remarks in relation to the means of the bank to redeem its paper now in circulation. It will be seen by reference to the paper marked (B) that the bank is liable for the sum of six hundred and thirty thousand, two hundred and seventy four dollars, sixty and half cents, (\$630,274,60½) which sum is formed by the debts due to other banks, to individual depositors and its own notes in circulation.

The amount of cash on hand including specie, notes of other solvent banks, and bills of exchange, is seven hundred and thirty nine thousand two hundred & eighty dollars, twenty two and half cents (\$739,203,241½) leaving a surplus over the amount for which the bank is liable of one hundred and eight thousand nine hundred and thirty three dollars: and sixty two cents (\$108,932,62.)

From this statement it will be clearly seen, that the bank is in possession of the means of meeting all demands which may come against it, and of supplying its vaults with the necessary quantity of specie.

Of the debts due from the bank, the deposit account forms a considerable item, but on reference to paper marked B. it will be seen that out of the sum of one hundred and forty three thousand one hundred and ninety eight dollars and sixty and a half cents (\$143,198,601½) the sum of thirty seven thousand and fifty eight dollars; eighty five one fourth cents (\$37,058,83¼) only is liable to be drawn by check on account of individuals, the balance of the deposits being to the credit of the Treasury and consisting of the ordinary revenue, the funds of the University the three per cent fund, and monies deposited by individuals as partial payments on notes due the bank.

The committee have taken some pains to ascertain the situation of the debts due the bank, and from all the information they have been able to obtain they are of the opinion that the amount of debts which the bank will probably lose does not exceed four thousand dollars (\$4000) and the debts which we consider at all doubtful will not exceed thirteen thousand six hundred & seven dollars fifty cents (\$13,607.50) as will appear from the annexed statement marked C. Your committee would not do justice to themselves were they not to express their satisfaction with the cautious and impartial manner in which the board of directors have discharged the trust reposed in the distribution of the funds of the institution to the several counties applying for the same all which is respectfully submitted.

T. CASEY, *Chairman.*

JAMES JACKSON,

J. B. EARLE.

JNO. VINING, *Chairman H. S.*

GEORGE WEISINGER,

SAUL CRAIG.

 See the annexed report. (A. B & C.)

A message from the House of Representatives by Mr. Ready.

Mr. President, the House of Representatives concur in the report of the committee or conference appointed on the disagreement of the two Houses in relation to the bill entitled, an act relative to the satisfaction of executions.

Mr. Crabb obtained leave to introduce a joint resolution specifying the time of convening in future the General Assembly of the State of Alabama, which was read, the rule requiring joint resolutions to be read on three several days being dispensed with, the resolution was read the second and third time forthwith.

Mr. M'Camy moved that the resolution lie on the table 'till the 3rd Monday in November next, which was lost. — Yeas 6, Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Ashe Brown M'Camy Merriwether Shackelford and Sullivan.

Those who voted in the negative are, Mr President Casey Crabb Earle Evans Hubbard Irwin Jones Miller Moore Powell and Skinner.

Mr. Crabb moved to fill the blank in the resolution with the "first Monday in November next," as the time for the meeting of the Legislature. Yeas 11, Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President Casey Crabb Earle Hubbard Irwin Jones Miller Moore Powell & Skinner.

Those who voted in the negative are Messrs. Ashe Brown Earle M'Camy Merriwether Shackelford and Sullivan.

Mr. Evans offered the following amendment. "And be it further Resolved, That the pay of the members of the General Assembly shall hereafter be two dollars per day."

Mr. Casey moved to amend the amendment by striking out 'two dollars;' which was lost.

Mr. Shackelford moved that the resolution and amendment lie on the table till Thursday next; which was lost Yeas 7, Nays 11.

The yeas and nays being desired, those who voted in the affirmative are; Messrs. Ashe Brown Earle Jones M'Camy Shackelford and Sullivan.

Those who voted in the negative are, Mr. President Casey Crabb Evans Hubbard Irwin Merriwether Miller Moore Powell and Skinner.

The question was then put on the adoption of Mr. Earle's amendment and determined in the negative. — Yeas 5, Nays 13.

The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Brown Casey Evans Merriwether and Skinner.

Those who voted in the negative are. Mr. President Ashe Crabb Earle Hubbard Irwin Jones M'Camy Miller Moore Powell Shackelford y Sullivan.
The question was then put "Shall the resolution pass?" and determined in the negative.—Yeas 8. Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President Crabb Hubbard Irwin Miller Moore Powell Skinner.

Those who voted in the negative are. Messrs. Ashe Brown Casey Earle Evans Jones M'Camy Merriwether Shackelford and Sullivan.

A message from the House of Representatives by Mr. Ready.

Mr. President, the House of Representatives adhere to their amendment to the bill entitled, an act defining the liability of indorsers, and for other purposes. They have passed a Joint Memorial to the Congress of the United States praying that the states admitted into the Union since the last extension of the Federal Court system be admitted to a participation of its benefits, which originated in their House and in which they desire your concurrence. They concur in the amendments made by the Senate to bills entitled, an act to amend an act respecting land in civil cases passed 9th Dec. 1823; An act to provide compensation to a person to transcribe and arrange the records of the clerk's office of the county court of the county of Dallas; and, a Joint Resolution to provide for the safe keeping of the State House furniture.

Ordered, that the Senate adhere to their disagreement to the amendment made by the House of Representatives to the bill entitled, an act defining the liability of indorsers, and for other purposes, and that a committee of conference be appointed on the disagreement between the two Houses in relation to said amendment, whereupon Messrs. Crabb, Earle and Jones were appointed the committee on the part of the Senate.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

A bill entitled, an act to allow further time to the tax collector of Madison County to collect and pay over the taxes of that county for the years 1827, was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed.

Ordered, that the Secretary acquaint the House of Rep's. therewith.

A message from the House of Representatives by Mr. Ready.

Mr. President, the House of Representatives have passed a Joint Resolution to remove the injunction of secrecy imposed on the two Houses in relation to the report of the joint committee on the State Bank. In which they desire your concurrence.

The resolution mentioned in the foregoing message was read the second and third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

A joint memorial to the Congress of the United States praying that the States admitted into the Union since the last extension of the Federal circuit court system be admitted to a participation of its benefits, was read the first time and ordered to a second reading on Saturday next.

A bill entitled, an act to provide for the payment of certain expenses therein named; and, report and joint resolution in relation to the boundary line between this State and Georgia were severally read the first time, and the rule requiring bills &c. to be read on three several days being dispensed with, they were severally read the second and third time forthwith and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

On motion of Mr. Casey, the bill entitled, an act making appropriations for the year 1828, was taken up. Mr. Casey moved to amend the bill by striking out "eight hundred dollars," the amount appropriated to the State Architect for past services, and to insert in lieu thereof "one thousand dollars," which was carried.—The bill was then read the third time as amended and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Casey called up the joint remonstrance on the subject of instructions lately given from the Treasury Department relative to the lands receivable for public lands. The amendment proposed to the special committee to the remonstrance was disagreed to. The question was then put, "shall the remonstrance pass?" and determined in the affirmative.—yeas 12 nays 3.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Casey, Cobb, Evans, Hubbard, Irwin, Jones, McCarty, Miller, Moore, Skinner and Sullivan.

Those who voted in the negative are, Mr. President, Brown, Earle.

Ordered, that the Secretary acquaint the House of Representatives therewith. A bill entitled, an act to regulate the mode of organizing the Senate and House of Representatives at the commencement of each Session, was read and ordered to lie on the table.

Mr. Powell from the joint committee on Enrolled bills reported as correctly enrolled, an act regulating judicial proceedings; An act to authorize James Thompson and his associates to open a turnpike road therein named; An act to change the time of holding the county courts of Jefferson, Henry and Dale counties; Joint resolution authorizing a further investment of University funds; and, An act better to regulate judicial proceedings; all of which were accordingly signed by Mr. President.

A joint resolution to authorize the erection of the State Capitol in Broad street, was read the third time and passed.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act prescribing the mode of ascertaining the sense of the citizens of this State, on the proposed amendment to the constitution of this State limiting the tenure of the Judges to seven years, was read the third time and passed.—Yeas 12, Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Casey, Cobb, Evans, Hubbard, Irwin, Jones, McCarty, Miller, Moore, Skinner & Sullivan.

Those who voted in the negative are, Mr. President, Brown, Earle, Vermeilher & Powell. So the bill was passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act explanatory of the 11th and 24th sections of an act to reduce into one the several acts concerning Roads, Highways, Bridges and Ferries, approved 12th January 1827, was taken up, and the rule requiring bills to be read on three several days being further dispensed with, the bill was read the third time and passed.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act for the relief of Charles Pearson tax collector of Lawrence County, was read the third time, amended by way of rider and passed.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act to amend an act, providing for the erection of the State Capitol, and for other purposes, was read the second time and ordered to a third reading tomorrow.

A bill entitled, an act giving further time for filing county claims, was read the second time and ordered to a third reading tomorrow.

A bill to be entitled, an act to divorce Jane Gholson from her husband John Gholson was read the third time and passed by the requisite majority.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill entitled, an act to divorce Benjamin D. Hassell from his wife Mary Hassell was read the third time and ordered to lie on the table till Saturday next.

A bill entitled, an act to divorce Parthenia Coursey from her husband James Coursey, and, An act for the relief of Samuel Battles were severally read the second time and ordered to a third reading tomorrow.

A bill entitled, an act to divorce Thomas J. Snowden from Tabitha Snowden, was read the third time and ordered to lie on the table till tomorrow.

Mr. Brown from the committee on accounts and claims to which was referred the account of Ephraim Pharr Sheriff of Wilcox county for conveying Robert W. Andrews from the jail of Dallas county to Canton in Wilcox county in the year 1825, also the accounts of sundry persons concerned in the apprehending and trial of Elisha and Jesse Tucker re-

ported, that the accounts are not authenticated as required by law and are in other respects unreliable and ought not be granted.

Mr. Evans moved to disagree to so much of the report as relates to the account of Ephraim Pharr which was carried. The remainder of the report was concurred in.

Mr. Brown from the same committee to which was referred a bill entitled, an act making appropriations for certain claims against the State, reported the same with sundry amendments—several of the amendments being concurred in—The question was put on concurring in the amendment made by the committee to the bill by striking out the allowance to the Sheriff of Lawrence county for conveying a prisoner from one county to another and determined in the negative, Yeas 8. Nays 9.

The yeas and nays being desired those who voted in the affirmative are Mr. President, Brown, Crabb, Earle, McCahey, Merriweather, Powell and Sullivan.

Those who voted in the negative are, messrs. Asa Casey, Evans, Hubbard, Lewis, Jones, Miller, Moore and Skinner—so the amendment was disagreed to. The remainder of the amendments proposed by the committee were concurred in, the bill was further amended, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time as amended and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Casey called up the report of the special committee to which was referred so much of the Governor's message as relates to the failure of the Tombeckbe Bank to pay specie for its notes.

Mr. Casey then moved that the Senate concur in the report, and that the report and documents therein referred to be spread upon the Journals which was carried:—Report of the committee.

The select committee to whom was referred so much of his Excellency's the Governor's message as relates to the suspension of the Tombeckbe bank to redeem its notes with specie have had the same under consideration and beg leave to submit the following statements of facts. That in the spring of 1827 rumors were in circulation that the Tombeckbe bank was in doubtful circumstances, which occasioned the citizens generally to receive the paper with much caution. While this state of things existed, it was ascertained that the Mobile bank had come to the determination no longer to receive the Tombeckbe notes in payment of debts—this determination on the part of the Mobile bank caused a considerable depression in the paper of the Tombeckbe bank. The President of the Tombeckbe bank, anxious it is supposed, to bolster up an institution on which so much depended, and if possible to restore it to confidence wrote the following letter on or about the 21st of April 1827 to a friend, which was given to the public through the medium of the newspapers, (for a copy of which see note (A)) such intelligence coming from a gentleman of so high official standing, and who from his situation, must have been apprised of its ability to meet runs upon it, must readily be perceived had an influence in restoring it to confidence—so great was the reliance placed on his letters, that it was announced that the paper of that bank would be again taken in the Land Office in Huntsville. Your committee regret that this confidence lasted only for a short time: circumstances which occurred again began to lessen that confidence and it became necessary to write another letter, and on the 4th of May, the following letter was ad-

addressed to a friend and published in the papers of the day (see note B.) The confidence still reposed in the assertions of the President of the institution gave again credit to the paper, and it was received (tho' with reluctance) in the ordinary transactions of business. No one could then for a moment believe, that any gentleman would risk his reputation in the strong assertions made in his letters of the ability of the bank to redeem its paper, and that in so short a period afterwards its doors were to be closed. In this however the public were unfortunately doomed to be disappointed. The doors were closed before the end of May or very shortly afterwards. The time when the Vaults were closed and payment for the notes denied, was peculiarly unfortunate to the citizens of this State, as it prevented many of them from availing themselves of the munificence of the General Government, in paying for their lands at the deduction allowed, which time would expire on the 4th of July following. The hard earnings, privations and toil, of very many of our citizens were laid up in this paper, to enable them to purchase their land; they rejoiced that the time was approaching when they could say that they had homes for their wives and their children. In this they were disappointed. The paper was rejected in the land office and immediately declined from 80 to 50 per cent. From the time of the suspension of specie payments the public daily expected the Directors would make an expose of the situation of the bank, it was however delayed until the 6th of July when the following expose was made, (see note C.) From this expose it is shewn that the sum for which the bank was liable; consisting of notes in circulation and individual deposits amounted to \$549,656.24.

That the means in its power to pay the above sum; consisting of notes discounted and owing, of notes of other good banks on hand, bills of exchange and specie, amounted to eight hundred and seven thousand one hundred and eighty seven dollars and seventy five cents which after paying all its notes and deposits would leave a balance in favor of the bank of two hundred and fifty seven thousand five hundred and thirty seven dollars and fifty one cents.

From the above statement your committee cannot perceive an excuse which can be made for the refusal to redeem their notes, or for closing the vaults of the Bank.

In recurring to the reasons assigned by the Directors and comparing them with the statement of the President in his letters, it will be perceived, that the Directors state that runs were made upon this Bank, in a little more than two months, for a sum exceeding three hundred thousand dollars. These runs were of course made before the vaults were closed. In recurring to the letter of the President, of the 21st April, it will be seen that it had redeemed *two hundred thousand dollars* of its paper in a few weeks previous to that date without finding it necessary to pay, out any specie, leaving only one hundred thousand dollars of the runs made after the 21st of April until payments were refused. The President also states, "The Tombecbee Bank has at this moment a large amount of funds in both New-York and New-Orleans, and a larger amount of Specie than it has generally had on hand for several years," and in addition to all this "one hundred thousand dollars becoming due from day to day in Mobile."—It is an enquiry which will naturally be asked what disposition has been made of those funds? The statements made in the President and Cashiers correspondence (see note D), will shew that they were called on from the 21st April until the closing of the vault for \$147,034, and that they had specie, notes of other Banks, and negotiable paper on Mobile to the amount of \$192,385, leaving \$45,351, of these funds unexpended, which it is presumed is included in the statement made by order of the board and published on 6th July.—Your committee cannot perceive any grounds of excuse for the refusal to pay their notes, in any reasons assigned by the Directors that they had the deposits of the general government is true; but it is presumed they would not have made the arrangements to pay the United States, when they should direct, had the Bank not found it their interest so to do; and it is believed they had a standing deposit which was deemed an equivalent by the Bank for their risk and trouble. It is also said, that the Bank made a loan to the state, to give credit to the Treasury notes; that they did so will not be denied, but that they did not seek their own interest in so

doing must be denied. A loan of four or five thousand dollars was negotiated by the Governor under a bill passed by the Legislature in 1822 — for the purpose of circulating two thirds of the amount loaned was left in bank with an agreement that they should receive the Treasury notes and put them in circulation, but it is a well known fact, that they were to be returned to the Treasury in sheets uncut, the State paying interest on the loan, and the Bank having the use of the money, at the same time as will appear by the Treasurer's certificate. Your committee do think proper to comment on each section of the reasons assigned, but they cannot overlook that part which promises a further statement, when the rate of certain drafts supposed to be doubtful could be obtained. This promise was made on the 6th of July last, why it has not been complied with your committee are unable to say, one thing, however, is certain and it has led the office to keep the paper at its present depreciation. If any of the drafts were cashed, doubtless your committee conceived it was due to the people, by those who had the management of the institution to make a statement so that those who hold the paper might be enabled to prevent the speculation on them. It will not, it is believed, be noticed, that many persons have money deposited in different places, to purchase up the paper, whether they are apprised of the situation of the State of the Bank, your committee are unable to say. Your committee cannot conclude without expressing their astonishment at the transfer of individual notes to the government of the United States, to a large amount, thereby placing the government in a more favorable situation than ever existed, and thereby to those who borrowed of the bank the privilege of paying them in their own paper. The time when the transfer was made is also worthy of observation — I was much surprised before the present crop could be realized to afford means to those indebted to satisfy themselves of an opportunity to purchase of the paper of that bank and take up their notes. It is believed no other bank has ever transferred individual notes under such circumstances. The Plantville Bank refused to do so, when a demand was made, and a sentiment of the kind at no period of its history did the notes of that bank sell at a discount of 10 or 15 per cent. Serious as this Bank has been to the public, the people nor the General Government have not sustained such a loss by it, as is likely to be sustained, by the management of the Tombecbe Bank. Your committee regret that the time allowed for having only been appointed a day or two ago, (as the committee appointed at the commencement of the session had never taken the subject into consideration, and being discharged therefrom) has been so short as not to enable them to go into a more detailed examination but so far as they have been enabled to examine, the facts are respectfully submitted.

Be it therefore resolved by the Senate, that it is due to an injured community as well as to the Directors, and Stock-holders themselves to cause a statement to be made shewing the necessity of the suspension of payments for their notes, by the bank of Tombecbe, and also of the situation of the debts and bills of exchange due to the said bank.

T. CASEY, Chairman of the select Committee.

NOTE (A.) 21st. APRIL 1827.

I was surprised to find that any suspension of the Tombecbe bank paper was entertained in any part of this State. A recurrence to facts might have prevented any suspicion. In one week in the last year the Tombecbe bank redeemed two hundred and seven thousand dollars of its paper, and at a subsequent period in the same year it redeemed one hundred thousand dollars in one day. In a few weeks last past, it has redeemed nearly two hundred thousand dollars of its paper without finding it necessary to pay out any specie. The Tombecbe bank has at this moment a large amount of funds in both New York and New Orleans, and a large amount of specie than it has generally had on hand for several years, and I will add a hundred thousand dollars in Mobile, becoming due from day to day — This bank scarcely ever puts out a dollar for which it cannot command a specie dollar. These facts ought at once to dissipate any unfavourable impression which may have been made in relation to the paper of the Tombecbe bank, does not our present course result from a perfect conviction of our strength? could we have withstood the first impression if we had not a strength beyond public opinion.

NOTE (B.) St. STEPHENS, MAY 4th 1827.

Dear Sir:—I understand that an unfavourable impression has been created in some of the Northern Counties of this State in relation to the Tombeckbe bank. This impression if there be such a one, is without any thing to justify it. This bank pays specie for its notes, and has always done so. It deals exclusively in bills of Exchange and business paper, and you will readily perceive, has at all times the means of redeeming its paper. The Mobile bank wishes the Tombeckbe bank to redeem such of its notes as the former may have, as well on deposit as on its own account in Mobile. The Tombeckbe, refuses to lay itself under any new obligation, or to redeem its notes at any other place than its Banking House in St. Stephens, according to the promise expressed upon the face of the notes. Let me ask has not the Tombeckbe bank as much right to require the Mobile bank to redeem its notes in St. Stephens, as for the latter to require the former to redeem its notes in Mobile?

The course pursued by the Tombeckbe bank is an evidence of its strength and the results has shewn that it is entitled to the confidence of the community.

NOTE (C.) EXPOSE.

The Tombeckbe bank having suspended specie payment, it is due to the public that the causes of that suspension should be known.

Runs were made upon this Bank in a little more than a month for an amount exceeding three hundred thousand dollars. These runs were made by inimical institutions, aided by a set of brokers who prey upon the vitals of the community.

This bank heretofore afforded a circulating medium to a large portion of the State, and enabled its citizens to pay for the land purchased of the United States, without the aid of this bank there would have been many forfeitures, and many families would have been deprived of their home which they had improved with much toil, and upon which they had expended their last dollar. This bank has received and transferred to the bank of the United States for the benefit of the Treasury two millions four hundred and seventy seven thousand and seven hundred and sixty four dollars and forty five cents. These transfers were always made at the expense and risk of the bank—A large portion of this sum was transmitted to Georgia through a wilderness country and at an enormous expense.—This bank did not hesitate to give currency to the Treasury notes of this State, nor to make a loan for the redemption of these notes; in all this it did not seek its own advantage only—It sought to promote the interest of the community, when it was the sole depository of the public monies in this State, it did not seek either with the public or private deposits to injure and break down other institutions. It was not its object to distress the community in order that those who by their situation had the facility of obtaining money might use it more profitably to themselves or oppressively to others. every effort was made to impair the confidence of the public in this bank, not only were runs made with every dollar of its paper, which could be obtained, but letters were sent to different parts of the State with a view to destroy the public confidence without which no bank can exist, destroy the confidence of the public in the bank of the United States and that institution would tumble into ruin. The efforts of those who wished to produce embarrassment and who desire profit from all public calamities have been successful. It is however sincerely hoped that the loss to the public will in this case be small and the evil of short duration. It is a calamity which the Board of

Directors anxiously endeavoured to divert. For the information of the community the present statement of the bank is published. Every proper exertion will be made to call in the funds of the bank, and those funds shall be faithfully applied to the payment of its debts. It is yet doubtful whether some of the drafts belonging to the bank will be paid—when the fate of those drafts shall be ascertained further information will be given to the public. State of the Bank.

Bills discounted
Real Estate
Owing from other Banks
Drafts
Notes of other solvent Banks
Silver

\$179,452 23

\$4,279. 13

\$311,937 81

3,417 00

9,111 53

\$812,455 39

220,300 00

200,676 24

\$48,974 00

36,505 5

\$ 12,455 39

By order of the Board
(Signed)

JNO. B. HAZARD, Cashier.

NOTE (D.) ST. STEPHENS JULY 11th 1827.

Sir, I will be obliged to you to state from the books of the Bank what was the amount of specie in the Tombeckbe bank at the time I investigated the affairs of the bank in April last in order to ascertain the ability of the bank to continue specie payments, the amount of the notes of other banks on hand at that time. The amount of negotiable paper belonging to the bank payable in Mobile, and the amount of payments made by the bank after that period, specifying the sum paid by checks upon New Orleans and the northern cities.

Be pleased to state whether the bank did or did not redeem two hundred and seven thousand dollars of its paper in one week last year, and subsequently one hundred thousand dollars; and also what kind of business the bank has transacted for considerable length of time.

You will oblige me by stating what opinion I expressed to you as to the ability of the bank to continue specie payments.

I am with great respect your ob't. ser'vt.

(Signed)

WILLIAM CRAWFORD.

J. B. HAZARD, Esq. Cashier.

Tombeckbe Bank St. Stephens July 11th 1827.

Sir, I have received your letter of this date. The amount of specie on hand at the time you refer to was fifty seven thousand three hundred and fifty dollars. The amount of notes of other banks twenty seven thousand seven hundred and twenty five dollars and the amount of negotiable paper payable in Mobile one hundred and seven thousand three hundred and ten dollars.

The amount of my Drafts on Orleans since that period is fifty one thousand and sixty dollars and on the northern cities fifty five thousand nine hundred and seventy four dollars. These sums have been applied to the redemption of the notes of this bank not including upwards of for-

ty thousand dollars of our notes which I have redeemed in Mobile, upwards of two hundred and nine thousand dollars of the notes of this institution were paid at the bank during a single week, and one hundred thousand dollars at a subsequent time in one day during the last year.

The transaction of the bank for the last two years have been confined almost entirely to business paper and bills of Exchange.

I can recollect the substance of your remarks during the many conferences we had together on the subject of the affairs of the bank. The policy which you advocated was to curtail its business and to call in its notes.

I have a perfect recollection of your remarks on exhibiting to me a letter which you had written to a friend in Huntsville on the ability of the bank to continue specie payments; and you then gave it as your opinion that during the months of May and June, the bank could redeem three hundred thousand dollars of its notes, and that you did not believe calls in that amount would be made upon it, and therefore considered it perfectly safe to state that the bank would be able to continue specie payments.

Respectfully yours,

JNO. B. HAZARD, Cashier.

St. Stephens, July 12th 1837.

Dear sir. Enclosed you will receive a copy of a letter from me to the Cashier of the Tombecbe bank, a copy of his answer, and a copy of a letter from me to D. F. Foss & Co. which I will be obliged to you to have published in the Alabama Sentinel.

I am with great respect your friend.

WM. CRAWFORD.

Col. J. B. HOGAN.

St. Stephens July 12th 1837.

Gentlemen — Enclosed you will receive a copy of a letter from me to the Cashier of the Tombecbe bank and his answer which together with the letter I will be obliged to you to publish in your paper. My letter to Col. Hogan published in your paper of the 18th of May from the Alabama Sentinel was written on the 21st of April in answer to one from him on the 6th of the same month and was predicated upon an examination of the state of the bank made by me a few days previously. My letter to a gentleman in Huntsville was written as well as I now recollect on the 3rd or 4th of May, on the 4th May the Tombecbe bank had in its vaults fifty one thousand nine hundred and five dollars of specie. The amount of specie which the Tombecbe bank had on the 21st of April, and also on the 4th of May, exclusive of its specie funds in New Orleans and in the Northern Cities exceeded the amount with which it is understood the Branch of the United States Bank with a Capital of nearly half a million of dollars commenced business in this state.

The answer of the Cashier made from the books shows that there was in the statements heretofore published. I could have had no inducement to create an erroneous impression as to the ability of the Tombecbe bank to continue specie payments. I had no money to put off and the bank was using every exertion to call in its notes—my only object was to give to the bank, that degree of confidence which I believe its situation warranted. If confidence had been reestablished some loss to the public and much inconvenience would have been avoided and an institution which has always acted with good faith and has been useful to the public would have been preserved.

I am with great respect, your obt. Servt.
W. M. CRAWFORD.

(Signed)

D. F. WISS, & Co.

NOTE (E.) TREASURERS OFFICE, Tusculum 14th Jan., 1838.

In reply to the inquiry of the select committee to which was referred that part of the Governor's message as relates to the suspension of the payments of the Lumberland bank; whether most of the Treasury notes from said bank were not returned to the Treasury in sheets—I have to state that a portion of the Treasury notes have been returned from the Treasury in sheets as they were issued.

JOHN C. PERRY, State Treasurer.

And then the Senate adjourned till 7 o'clock this evening.

SEVEN O'CLOCK P. M. 14th Jan., 1838.

The Senate met. Mr. Hubbard from the committee on the judiciary to which was referred a bill entitled, an act to amend the law in relation to original attachments, reported the same without amendment; the bill was then read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr. Hubbard called up the bill entitled, an act better to provide for the trial of the right of property and for other purposes, the bill was then read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Tunstall their clerk.—Mr. President, the House of Representatives have passed a bill which originated in the Senate entitled, an act for the relief of Richard Corrie, John Dunlap, and Henry Center. They have passed and which originated in their House entitled, an act to alter the time of holding the county court of Franklin County, in which they desire your concurrence. The bill entitled, an act to alter the time of holding the county courts of Franklin County was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and ordered to lie on the table.

Mr. Casey offered the following resolution: *Resolved*, That a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives to wait on His Excellency the Governor and inform him that the two Houses have gone through the business before them and will be ready to adjourn sine die on Tuesday the 15th instant if he has no further communications to make, which was adopted, whereupon Messrs. Casey and Hubbard were appointed the committee on the part of the Senate.

Ordered, that the Secretary acquaint the House of Rep's therewith.

A message from the House of Representatives by Mr. Ready.

Mr. President the House of Representatives have passed a bill which originated in their House entitled, an act to amend an act concerning the Town of Tusculum, in which they desire your concurrence. The bill mentioned in the foregoing message was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed.

Ordered, that the Secretary acquaint the House of Rep's therewith.

Mr. Casey offered the following resolution: *Resolved*, That a message be sent to the House of Representatives informing them that the Senate will be ready to adjourn sine die tomorrow at 10 o'clock A. M. And then the Senate adjourned till half past 8 o'clock tomorrow morning.

The following proceedings took place in the Senate on the 11th and 12th instant. The injunction of secrecy imposed upon the joint committee elected to examine and report the state and condition of the Bank of the State of Alabama being removed, the proceedings which took place in relation to the report, on Friday 11th instant were as follows:

Mr. Casey from the joint committee appointed by both Branches of the General Assembly to examine the situation and condition of the Bank of the State of Alabama, having submitted a report (which will be found in the proceedings of the Senate of the 14th instant.)

Mr. Jackson offered the following resolution: *Resolved*, that this House have the power to correct or amend the report of any committee on being convinced that such report has been shown by the minority to contain matter that should be corrected, which was adopted.

Mr. Jackson then moved to amend the report of the committee by striking out the words "at all," where the report reads thus. — "The committee have taken the pains to ascertain the situation of the debts due the Bank, and from all the information they have been able to obtain they are of the opinion that the amount of notes which the Bank will probably loose does not exceed more than one hundred dollars, and the debts which were considered "at all" would not have exceeded thirteen thousand six hundred and seven dollars, fifty cents, as will appear from the amended statement marked C." — which motion was carried.

The report was then concurred in as amended.

JANUARY 12th 1828.

The lobby being cleared and the doors closed, Mr. Hubbard moved to reconsider the vote of the Senate on concurring in the report of the joint committee elected to examine the State Bank, which was carried.

Mr. Hubbard then moved to reconsider the vote on Mr. Jackson's motion to amend the report by striking out the words "at all"; which was carried.

Tuesday Jan 13th, 1828.

The Senate met pursuant to adjournment.

Mr. Powell from the joint committee on Enrolled bills reported as correctly enrolled, an act authorizing a Lottery for the purpose of establishing a free School on the Lancasterian plan of tuition in the Town of Huntsville, and the purchasing a clock for the use of said town; an act relative to volunteer companies in the militia of this State, and for other purposes; an act supplementary to the several acts now in force, in relation to the public weighers of cotton in the City of Mobile; an act to amend and explain an act, entitled, an act to establish a seventh Judicial Circuit; an act to authorise the sale of sixteenth sections, and for other purposes; an act to preserve the health of the inhabitants residing on sinking creek in Lauderdale county; an act to authorise Mahala Farrar to emancipate a mulatto woman slave named Patience; an act to provide the clerks of the several counties in this state with copies of the acts of the present, and each subsequent Congress of the United States; an act to incorporate the B'nai B'rith Benevolent Society of Mobile; an act concerning the duties of the clerks of the county courts, and for other purposes; An act to alter the time of holding the county court of Montgomery; Joint resolution concerning the furniture of both Houses of the General Assembly; An act for the relief of Richard Corne, John Duncan jr. and Henry Center; An act to provide compensation for a person to transcribe and arrange the records of the clerk's office of the county court of the county of

Dallas; An act to amend an act entitled, an act respecting bail in civil cases passed 9th Dec. 1823, An act to abolish and establish certain election precincts therein mentioned; An act to establish a road from M'Murray's old saw mill on the shades creek in Jefferson County to Charles Mandines' in Shelby County; An act to emancipate certain slaves therein named; An act supplementary to an act entitled, an act to establish a road from Montevallo to Greensborough approved Jan. 12th 1827; An act for the relief of Joseph Owens; An act to explain and amend the 4th section of an act passed Dec. 13th 1819, entitled, an act to establish certain counties therein mentioned; An act to incorporate "Barker encampment of Knights Templar No. 1," An act to alter the times of holding county courts martial; An act relative to the satisfaction of executions; An act declaring the effect of Notarial protests; An act for the relief of John Wood; An act for the benefit of the estate of Daniel Davis, deceased late of Monroe County; An act to amend the act incorporating the Town of Athens; An act to encourage the raising Volunteer companies in the county of Morgan; An act providing for the payment of solicitors for prosecuting to conviction slaves charged with capital offences; An act authorising the Governor to cause bonds taken for public arms to be renewed, and for the distribution of the public arms; A joint resolution authorising the Governor to order the Quarter Master General of this State to deliver a Field piece to the Artillery company at Claiborne, and for other purposes; A joint remonstrance to the Congress of the United States against the power assumed to protect certain branches of domestic industry at the expense of others and the policy of the measure; Joint memorial to the Congress of the United States asking permission for the Trustees of the University of Alabama to select other lands in lieu of those herein mentioned; A joint memorial to Congress on the subject of public land; A Joint resolution instructing His Excellency the Governor to cause the remains of the late Brian Pickens to be removed from the Island of Cuba to his late residence in Greene County; An act to amend an act entitled, an act concerning Roads, Highways, Bridges and Ferries in the county of Mobile; An act to amend an act to incorporate the Town of Montgomery; An act for the relief of Robert H. Rose, An act to establish the 2nd Regiment of Alabama Militia; An act to emancipate certain persons therein named; An act supplementary to an act entitled, An act to establish the Bank of the State of Alabama approved, Dec. 20th 1815; An act to repeal in part an act passed March 1805; and re-enacted with amendments February 1807; An act to providing at what place lands and negroes taken in execution shall be sold in the county of Tuscaloosa; An act to authorise the Judge of the county court and commissioners of Roads and Revenue to fill vacancies in certain cases; An act to provide for the preservation of the public arms; An act to authorise the Judge and commissioners of St. Clair County to levy a tax for the purpose therein mentioned; An act for extending the time granted to John Fowler for running a Steam Ferry Boat, a row Boat, or sail Boat, between the City of Mobile and the Town of Blakely, by an act passed Dec. 26th 1822; An act to establish the dividing line between the counties of Bibb and Tuscaloosa according to the existing laws; Joint resolution proposing amendments to the constitution of the United States; An act giving additional powers to the commissioners for superintending the erection of the State Capitol and for compensating the superintendent; An act to incorporate a Volunteer Company under the name and style of the Monroe Rifle Company;

An act to amend in part and repeal in part an act to establish the Town of Whitesburg and incorporate its Trustees; an act changing the times of holding the county courts in Greene and Perry Counties; An act to provide for keeping in repair a certain Road therein mentioned; An act relative to the estate of Isaac Edwards late of Conecuh County deceased; An act to provide for the establishment of the permanent seat of Justice in the County of Walker, all of which were accordingly signed by Mr. President.

A message from the House of Representatives by Mr. Ready.

Mr. President. The House of Representatives concur in the amendments made by the Senate to the bills entitled, an act making appropriations for the year 1828; and, an act for the relief of Charles Pearson tax collector of Lawrence county—They have adopted the following resolution in which they desire your concurrence.—*Resolved*, that a committee be appointed on the part of this House to act with such committee as may be appointed on the part of the Senate to wait on His Excellency the Governor and inform him that the two Houses of the General Assembly will be ready to adjourn *sine die* to day if he has no further communications to make.

Mr. Casey, obtained leave to introduce a bill to be entitled, an act to provide for the transfer of stock issued by the State, and for the renewal of lost certificates thereof; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time fort with and passed. *Ordered* that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence.

Mr. Crabb, offered the following resolution. *Resolved*, that the Secretary of State be instructed to cause to be published forthwith one thousand certified copies of an act passed at the present session of the Legislature authorising the inhabitants of the several townships in the State to sell their sixteen sections and that he cause the same to be forwarded to the clerks of the several county courts in this State to be distributed among the counties according to the number of Representatives in each which shall by said clerks be distributed to the respective townships—which was adopted.

A bill entitled, an act to amend an act entitled, an act providing for the erection of a State Capitol, and for other purposes, was read the third time and ordered to lie on the table.

Bills entitled, an act to alter the times of holding the county courts of Franklin county; an act giving further time for filing county claims, an act to divorce Martha Consey from her husband, James Coursey, an act to divorce Thos. J. Snowden from Fanny Snowden; and: an act for the relief of Samuel Battles, were severally read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill entitled, an act supplemental to an act to establish the dividing line between Bibb and Tuscaloosa counties according to the existing laws passed the present session, was read the second time, amended on Mr. Sullivan's motion—and the rule requiring bills to be read on three several days being dispensed with. The bill was read the third time & passed, *ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr. Brown introduced a joint resolution in relation to accords and

claims; which was read and the same requiring Joint Resolution to be read on three several days being consumed with the reading of the second and a third time and passed: and it is that it be sent to the House of Representatives for their concurrence.

Amassage from the House of Representatives by Mr. Tunstall their Clerk.

Mr. President, The House of Representatives this morning passed the amendments made by the Senate to the bill entitled, an act in relation to appropriations for certain claims against the State, which was heretofore particularly shown. They concur in the remainder of the amendments made by the Senate to said bill, ordered, that the Senate be kept from their amendments to the bill entitled, an act in relation to appropriations for certain claims against the State which have been disagreed to by the House, ordered, that the Secretary acquaint the House of Representatives thereof with.

Mr. Crabb from the committee of conference appointed on the disagreement between the two Houses in relation to a amendment proposed by the House to the bill entitled, an act defining the liability of Indebted, and for other purposes, reported that the committee have agreed to adopt the amendment proposed by the House of Representatives as a substitute for the bill from the Senate, and requested that the Senate recede from the disagreement, which was concurred in, Ordered, that the Secretary acquaint the House of Representatives thereof.

Mr. Towell from the joint committee on enrolled bills reported as correctly enrolled, an act making appropriations for two years 1826 and 1827 for the relief of Charles Pearson tax collector in Livingston county.

Joint resolution to remove the imputation of secrecy imposed on the two Houses in relation to the report of the joint committee on the State Bank, an act explanatory of the 11th and 24th sections of an act directed to one the several acts concerning roads, highways, bridges and ferries approved Jan'y. 12th 1827.

Joint remonstrance on the subject of instructions lately given from the Treasury Department relative to the funds received for public lands, an act to revise an act, therein specified, an act to divorce Jane Graham from her husband Jam Graham.

Report and resolution in relation to the boundary line between this State and Georgia an act prescribing the mode of ascertaining the boundaries of the counties of this State on the proposed amendment to the Constitution of this State limiting the tenure of the Judges to seven years, an act to provide for the payment of certain expenses therein mentioned, an act to allow fourth time to the tax collector of Madison county to collect and pay over the taxes of that county for the years 1827, an act better to provide for the trial of the right of property, and for other purposes; an act to amend the law in relation to original attachments; and, Joint resolution to authorize the erection of the State Capitol in Broad street; all of which were accordingly signed by Mr. President, and then the Senate adjourned til half past one o'clock.

Half past one o'clock, P. M.

The Senate met pursuant to adjournment.

Amassage from the House of Representatives by Mr. Tunstall their Clerk. Mr. President, The House of Representatives have passed a bill which originated in the Senate entitled, an act to provide for the transfer of stock issued by the State, and for the renewal of lost certificates thereof. They

have adopted the following Resolution, *Resolved*, that the Senate be informed this House will be ready to adjourn sine die at 2 o'clock.

A message from the Governor by Mr. Thornton.

Mr. President. The Governor did on this day approve and sign the following bills which originated in the Senate, an act to amend an act to incorporate the school commissioners of the 4th Township, and Shiloh range west from Stuartville and for other purposes; an act regulating the duties of Assessors at law, and for other purposes; an act authorizing a battery for the purpose of building an academy and court house in the county of Henry; an act to change the time of holding the county courts of Jefferson, Henry, and Dale counties; an act to authorize Mahalia Farrar to emancipate a mulatto woman slave named Patience; an act for the further relief of securities; an act to authorize John Smith of Jefferson county to emancipate a certain slave therein named; an act to authorize the building a Jail in Morgan county; an act to incorporate the Franklin academy in the town of Russellville in Franklin county; an act to provide for the speedy collection of debts due the Bank of the State of Alabama in certain cases; an act regulating judicial proceedings; an act to authorize James Thompson and his associates to open a turnpike road therein named; an act to provide the Clerks of the several counties in this State with copies of the acts of the present and each subsequent Congress of the United States; an act to preserve the health of the inhabitants residing on sucking creek in Lauderdale county; an act to provide for reports of the decisions of the supreme court; an act better to regulate judicial proceeding; an act concerning the owners and keepers of Mills and other water works; an act concerning the registration of Deeds and Patents, and a joint resolution authorizing a further encroachment of University lands.

Mr. Powell, from the joint committee on enrolled bills reported as correctly enrolled, an act to provide for the transfer of stock issued by the state, and for the renewal of lost certificates thereof; an act giving further time for filing county claims; an act altering the time of holding the county courts of Franklin county court; an act for the relief of Samuel Batties; an act to divorce Thomas J. Snowden from Abitha Snowden; an act to divorce Parthenia Coursey from her husband James Coursey; and, an act defining the liability of indorsers, all of which were signed by Mr. President.

A message from the House of Representatives by Mr. Tunstall.

Mr. President. The House of Representatives concur in the amendment made by the Senate to the bill entitled, an act supplemental to an act to establish the dividing line between the counties of Tuscaloosa and Bibb, according to the existing laws, passed the present session.

Mr. Powell, from the joint committee on enrolled bills reported as correctly enrolled, an act, making appropriations for certain claims against the state; and, an act supplemental to an act, to establish the dividing line between the counties of Bibb and Tuscaloosa, according to the existing laws, passed the present session—which were accordingly signed by Mr. President.

A message from the Governor by Mr. Thornton.

Mr. President. The Governor did on this day approve and sign an act relative to the satisfaction of executions, an act amendatory of the several acts heretofore passed in relation to the public revenue; an act defining the liability of indorsers and for other purposes; an act for the relief of Richard Charles John Duncan jr. and Henry Center—all of which originated in the Senate.

Mr. Casey from the joint committee appointed to wait on the Governor and inform him that the two Houses have completed the business before them and are ready to adjourn sine die reported that the committee have performed the duty assigned them and received for answer from the Governor that he had no further communications to make.

Mr. Sparkleford, having been called to the chair.

Mr. Crabb, offered the following resolutions: *Resolved*, unanimously by the senate that they are deeply impressed with the prompt, important and able manner in which the presiding officers of this House has discharged the functions and important duties of the chair during his personal session; and that he is entitled to the thanks of the senate for his dignified deportment whilst presiding over their deliberations, which was unanimously adopted.

The President having resumed the chair addressed the Senate as follows: Gentlemen After a long, and I may with justice say, a most laborious session you are about to close your labors—none who have witnessed the proceedings of the senate at the present truly interesting session can doubt the existence of a spirit zealously devoted to the best interest of the community—you have with courage and becoming zeal advocated measures which you believed best calculated to promote the great object of the constitution of Government the happiness and prosperity of the governed—In an assembly like this it cannot but be expected that occasional difference of opinion would produce momentary extremity, and it affords me much pleasure to testify, and it is my duty to declare that differing opinions only by honest difference of opinion have passed away with the moments of their creation.

In advertng to the more immediate objects of this address permit me Gentlemen to offer to you individually my unaffected acknowledgments for the kind expression of your approbation of my conduct whilst I have had the honor to preside over your deliberations. That in the discharge of the arduous and multiplied duties of the chair it were but reasonable to expect that I should rely for firm aid and aid by the common frailties of man.

It is to me truly consolatory that you who know me best, and are therefore best capable of appreciating my conduct should testify to my impartiality—I will treasure this testimony of your justice and kindness as among my most pleasing recollections—when we reflect upon the uncertainty of human life, of the extreme mutability of human affairs, it is but reasonable to conclude that we shall never meet again.—I then bid you, and believe me it is a most affectionate farewell—and I pray to the author of all good that the remainder of your days may be spent in the enjoyment of every blessing designed for man.—To the officers of this House from whose able and faithful services the public and the senate have derived so much benefit, I yet owe my acknowledgments—affix me then in conclusion to unite them with you in the highest commendation.

On motion of Mr. Brown, *Resolved*, that a message be sent to the House of Representatives informing them, that the senate having completed the business before them are now ready to adjourn sine die. On motion of Mr. Powell the President then adjourned the senate without day.

Attest

NICH'S DAVIS

President of the Senate.

F. S. LYON,

Secretary of the Senate.